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EDITORIAL*

From time to time occasions arise when the forces that regulate the reactions and policies of the community towards crime are fully arrayed before us; times when it is uncertain whether they will quicken the public conscience and strengthen the demand for an objective criminology or whether they will reanimate the angers and superstitious fears of our forefathers; times when it behoves the sponsors of social opinion to declare, on soul and conscience, the faith or science that is in them. Such a crisis of opinion now confronts us. The Royal Commission on Capital Punishment, the appointment of which testified to the anxiety, uncertainty and need for wise and dispassionate counsel regarding this problem in social ethics, has now delivered a Report which will soon be the subject of Parliamentary debate, possibly of legislative action that will mould the judicial policy of this country for some time to come. For the Report is not concerned solely with the disposal of murderers, but bears on the problem of criminal responsibility and treatment of all varieties of criminal offender. Under these circumstances the Editorial Board has felt constrained to give space to a symposium in which are reflected the reactions of a barrister, a psychiatrist and a criminologist. In this connection one general comment may be made. So far psychiatrists have confined themselves mainly to the approach to ' pathological ' delinquency; but the sociologist and the lawyer cannot shelter themselves behind this restricted term of reference; they must make shift to determine how far the concept of criminal responsibility can function as a buffer between the demand for social and individual security and the right of any criminal to objective diagnosis and appropriate treatment.

* *Owing to pressing claims on our space we have decided to omit the usual editorial survey. This will be resumed in subsequent numbers.*—THE EDITORS.

A SYMPOSIUM
ON THE REPORT OF THE
ROYAL COMMISSION ON CAPITAL PUNISHMENT[1]
1949-1953

I. LEGAL ASPECTS

By GERALD GARDINER (LONDON)

The report of the Royal Commission on Capital Punishment appears to the lawyer to be a careful and competent piece of work. The Commission was appointed 'to consider and report whether liability under the criminal law in Great Britain to suffer capital punishment for murder should be limited or modified, and if so, to what extent and by what means, for how long and under what conditions persons who would otherwise have been liable to suffer capital punishment should be detained, and what changes in the existing law and the present system would be required; and to enquire into and take account of the position in those countries whose experience and practice may throw light on these questions'. The question whether the death penalty should be abolished was therefore outside their terms of reference. The Commission make a number of recommendations on questions which are primarily matters of practice and procedure—(1) that an accused person should not be found insane on arraignment except on the evidence of at least two doctors, save in very clear cases, (2) that in England and Wales the mental state of every prisoner charged with murder should be examined by two doctors, of whom one at least should be a psychiatrist of standing who is not a member of the Prison Medical Service and the other an experienced member of that Service, and that the outside specialist should be appointed in each case by the Prison Commissioners, (3) that the Prison Commissioners should arrange for prison hospital officers to be given training in mental nursing, (4) that the judge, both in England and Scotland, should be given power to raise the issue of insanity, to call relevant evidence and to put the issue to the jury, if he has reason to believe that the accused may have been insane at the time of the offence and that the trial of this issue would be in the interests of justice, and (5) that the law of England should be amended so as to abolish the verdict of guilty but insane and substitute one of acquittal on the ground of insanity. All these proposals seem sound except that it would be preferable that the 'outside specialist' should be appointed by the Minister of Health rather than by the Prison Commissioners. The Commission also make a number of recommendations

[1] H.M. Stationery Office. London. Price 12s. 6d. net. 1953. Cmd. 8932.

on methods of execution and on the prison treatment of those reprieved which are subjects which the lawyer is not qualified to discuss.

The Commission approached their principal task of considering how the death penalty could be limited or modified along three main lines—a narrower definition of the crime of murder, the exclusion of certain classes of murderers, and the limitation of hanging to those guilty of murder in the first degree, or alternatively to those whom a judge or jury might decide to exclude.

They recommend that the definition of murder should be narrowed in three ways. First, they recommend that the doctrine of constructive malice in English law should be abolished. This recommendation had the support of the Lord Chief Justice and Humphreys J. It will do little more than make the law in theory what it already is in practice. Secondly, they recommend that there should be no distinction between provocation by words and other forms of provocation. Under our existing law it is doubtful how far words as distinct from blows can ever constitute sufficient provocation to reduce murder to manslaughter. As the Commission point out 'Where the jury consider that the accused killed the deceased upon provocation, that he was deprived of self control as a result of that provocation and that a reasonable man might have been so deprived, the nature, as distinct from the degree, of the provocation should be immaterial'. Subject to the lawyer's disinclination for change, this recommendation seems likely to be accepted by the legal professions. Thirdly, they recommend the exclusion of one form of suicide pact from the field of murder. Two people may agree that each will kill himself: or they may agree that one will kill the other and then himself. If the Commission's recommendation is accepted, the survivor of the latter will still be guilty of murder but the survivor of the former would have committed a new offence punishable by imprisonment for life. This is likely to be generally accepted, although imprisonment for life still seems a high maximum penalty in England for what would apparently be no offence in Scotland where attempted suicide has never been a punishable offence. Lastly in this field, the Commission recommend against exclusion of 'mercy killings' on the ground of the difficulty of an adequate definition.

The Commission then considered whether the death penalty could not be limited to certain classes of persons. They recommend against the exclusion of women and, by a majority of one, they recommend the exclusion of those under 21. These are social and not legal questions, although it will seem to some that the minority who were against the exclusion of those under 21 gave insufficient weight to the evidence of the Prison Medical Officers. The Commission then considered whether a greater

measure of exclusion ought not to be given to those whose mental condition diminished their responsibility. They recommend that mental deficiency be put on to the same footing as insanity, that the Home Secretary should give greater weight to the consideration of epilepsy and psychopathy in exercising his power of reprieve, and, with three dissentients, that the M'Naghten Rules should be abrogated, or alternatively, with one dissentient, should be extended to include irresistable impulse. The former alternative would leave the law so that it would be for the jury to determine whether at the time of the act the accused was suffering from disease of the mind or mental deficiency to such a degree that he ought not to be held responsible. The question what the law ought to be is for the community to decide. The lawyer's primary concern, other than as a member of the community, is to see whether any proposed change will work in practice. Lawyers are divided in opinion about the M'Naghten Rules. Some will oppose both alternative recommendations. It is, however, not easy to read the considered and balanced views of the Commission, supported by their close reasoning, without concluding that their recommendations are right, and that there is no practical reason why the M'Naghten Rules should not be abrogated.

Finally in this field the Commission considered whether those whom the Home Secretary now reprieves could not be set apart from those sentenced to death by the creation of degrees of murder, so that those now executed would be those guilty of murder in the first degree, while those now reprieved would be found guilty of murder in the second degree, which would not be punishable by death. Nearly all lawyers are likely to agree with the Commission's recommendation that, while possible in theory, this would be impossible in practice. Indeed, it is only necessary to consider the many and varied factors which the Home Secretary takes into consideration to appreciate that a decision which depends upon a consideration of so many factors, and not infrequently upon a careful balancing of conflicting considerations, is not one which can be forecast by any verbal dexterity in the definition of the offence or of degrees of the offence.

At this point of their Report the Commission pause to say:

> ' But even if these recommendations were all adopted, the principle defects of the existing system would remain : murder would still be the only crime for which only one punishment is provided by the law : it would still be necessary for the court to pronounce the sentence of death in cases where it was clearly inappropriate ; the ratio of reprieves to death sentences would be only slightly reduced ; and the task of correcting the anomalies resulting from the rigidity of the law would still be carried out by the executive. We therefore turn to certain proposals which are founded on a different principle from those we have so far considered. These proposals, without altering the

> present scope or definition of murder under the common law, would give either to the judge or to the jury a discretion to decide in each particular case, in the light of all the information before the court, whether the sentence of death is appropriate.'

They conclude against giving such discretion to a judge on the ground that the judges themselves were strongly opposed to it, and that particular judges might tend to become known as hanging judges. They accordingly recommend that after the verdict of guilty, evidence of extenuating circumstances could be put before the jury by the defence, and that a finding of extenuating circumstances should preclude the death penalty. This is a proposal which, as the Commission recognize, would have both advantages and disadvantages. On the one hand it would make the law of murder flexible; it would obviate the passing of the death sentence in unsuitable cases; and it would enable the wide differences in moral guilt to be determined by the Court as a matter of right instead of by the executive as a matter of grace. Moreover, in so far as the jury represents the public, the public could then itself decide how far the death penalty should be retained. The objections are that the proposal runs counter to the principle which has hitherto been uniformly applied in English and Scottish law—that the function of the jury is to determine whether the accused has committed the crime and that they have no responsibility for the sentence; that juries would vary and the fate of the accused might substantially depend on the jury he happened to get; that the responsibility of life and death is not one which ought to be put upon twelve ordinary citizens selected for jury service; that in practice the Judge's 'summing up' might tend to be a plea against a finding of extenuating circumstances, and that life and death ought not to depend upon a forensic battle between Counsel for the defence and the Court; that even the prospect of the prisoner's life depending on the eloquence of his Counsel is undesirable; and that the jury is not representative of the public but only of that section of the property-owning public which does not belong to a body which has persuaded Parliament to exempt them from jury service. The proposal is said to have worked well in Belgium, South Africa and some of the United States. To English lawyers the novelty of the proposal is likely to militate against its being considered on its merits. One criticism of the proposal must be both made and emphasised. The recommendation is that in England the verdict of the jury as to extenuating circumstances must, to be effective, be unanimous. This is absurd and the one obvious blot in a generally admirable report. It means that if eleven members of the jury think that the man or woman ought not to be hanged but one thinks that he or she ought to be hanged, an execution ought to take place. This, on the face of it, is inconsistent

with the alleged advantage that the jury will express the view of public opinion. If the recommendation is to be accepted in principle a majority verdict of extenuating circumstances ought clearly to suffice.

The Commission frankly recognize that the objections to this proposal are substantial, and they conclude:

> 'Its disadvantages may be thought to outweigh its merits. If this view were to prevail, the conclusion to our mind would be inescapable that in this country a stage has been reached where little more can be done effectively to limit the liability to suffer the death penalty, and that the real issue is now whether capital punishment should be retained or abolished.'

As has already been said elsewhere, the Report is in this respect like 'Hamlet' without the Prince of Denmark. It is difficult to read the 497 pages of this Report, which includes an examination of the result of the abolition of the death penalty in every civilized country in the world except British territory, France, Spain and some of the United States, without coming to the conclusion that murder is primarily a crime of those so disordered in mind that the deterrent effect of punishment is of no, or little, effect, that for this and other reasons severity of punishment does not appear in practice to have any real effect on the murder rate, and that the prospect of a decrease in murder in civilized countries must now primarily depend upon a combined assault by the medical and legal professions so that the disordered minds of those who, if not provided for in time, will commit murders in the future may at an earlier stage of their life be diagnosed by the doctors, and so that adequate protection from them may be provided by the law for the benefit of those who would otherwise be their victims.

II. PSYCHIATRIC ASPECTS

By EDWARD GLOVER (LONDON)

Although it is natural for the psychiatrist, reading through the Report of the Royal Commission on certain aspects of Capital Punishment, to devote most of his attention to the chapters on insanity and criminal responsibility, it can be said at once that every section, almost every page of this blue book raises issues that are the proper professional concern of the psychologist, the sociologist and the psychiatrist. Indeed, the first few paragraphs of Preamble and Introduction present the reader with an intriguing psychological puzzle; viz., why, having elected to submit the question of Capital Punishment to the attention of a Royal Commission, the Prime Minister of the period, Mr. Attlee, should have decided to hamstring the work of the Commission by excluding from the terms of reference the pressing question

of abolition. The Commission was in effect compelled to proceed on an unproven assumption, that Capital Punishment is efficacious as a deterrent and to consider how it might be limited 'without', as the Introduction dryly remarks, 'impairing the efficacy attributed to it'. For five hundred pages we are permitted to follow the Commission's attempt to apply the processes of reason to a subject so macabre that it has defied those very processes for centuries. And for all its painstaking efforts to be impartial it is clear that from the first session the Commission was oppressed by the very problem specifically excluded from the terms of reference.

In its own innocent way the Commission registers a protest against having its hands tied behind its back; for at the end of the very first chapter, a brief sub-section is introduced dealing with the question of deterrence, of which the most important paragraph (64) is that wherein the Commission agrees with Professor Thorsten Sellin who, discussing the homicide rates in the U.S.A., informed the Commission that 'Whether the death penalty is used or not or whether executions are frequent or not, both death-penalty States and abolition States show rates which suggest that these rates are conditioned by other factors than the death penalty'. Having entered this quiet protest, without apparently being aware that it has thereby blown its terms of reference sky-high, the Commission then proceeds to its imposed task of finding ways and means of reducing the execution rate without, however, making it so small in proportion to the number of murder convictions that the argument for deterrence would become manifestly absurd to its most convinced proponent.

It is impossible to read this early sub-section without reflecting on the methods employed by Royal Commissions to test the scientific validity of 'expert evidence'. For a Royal Commission is after all a kind of special jury empanelled to listen to the evidence of individuals who vary widely in scientific training and in experience of the problem under investigation. For instance the Commission felt it 'could not treat lightly the considered and unanimous views' in favour of the deterrent effect of execution of representatives of the police and prison services, supported as they were by some of the most distinguished judicial witnesses, including the Lord Chief Justice. Why ever not? The issue was one of deterrence, not of familiarity with prison or court manners; and to speak with authority on deterrence requires extensive acquaintance with psychological *norms*, with the effectiveness of distant anxiety as an inhibiting force, with the after-history of every variety of behaviouristic disorder, to say nothing of an expert knowledge of statistics and of statistical method. Did the police or even the judicial witnesses possess these qualifications? If not, then their evidence was, to say the least of it, merely hearsay.

A similar problem arises even in the case of psychiatric witnesses. Having listened to the evidence of numerous experts on the subject of psychopathy, the Commission ventured on a number of conclusions of which I shall instance only two. In paragraph 397 it is laid down that ' to say of a criminal that he is a psychopath is therefore to say something positive about him which could not automatically be assumed from his behaviour '. This comes *à propos* of the alleged difficulty of distinguishing psychopaths from thugs, and carries with it the assumption that the psychopath does not suffer from a *disease* of the mind. But the same could be said of many persons suffering from paranoia or even from psycho-neuroses, who effectively conceal their disorder from the public gaze, yet are by professional agreement held to be suffering from diseases of the mind. Moreover, in paragraph 401 it is maintained that ' there is no qualitative distinction but only a quantitative one, between the average normal individual and the psychopath '. This in the face of evidence by Hill, Stafford-Clark, Taylor and Henderson (itself extensively quoted in the Report) to the opposite effect. Who is to decide this matter ? Who is to give weight to the evidence ? Certainly not a lay Commission [2] which with the best will in the world can only record differences by a method of nose-counting without being able to assess the qualifications of titular experts to speak with authority.

The assessment of expert evidence on psychopathy is the more important in that the conflict between the Law and Psychological Medicine on the matter of criminal responsibility turns precisely on the capacity of the psychiatrist to distinguish delinquent psychopathy from non-pathological criminality. Except in the case of latent insanity and intermittent insanity (psychotic episodes) there is rarely any great difficulty in recognizing those cases of insanity for the benefit of which the M'Naghten Rules were originally devised. And a flat ruling that cases where a state of psychosis existed shortly before, during, or shortly after the commission of the offence should not be held as ' responsible ' would meet the professional requirements of doctors and at the same time satisfy the public conscience. A flat ruling is clearly called for also in the case of mental deficiency. What appears to perturb the legal mind and arouse the moral indignation of many members of the community is the possibility that a thug should ' get off ' the death penalty on a mistaken diagnosis of mental abnormality, an attitude incidentally which indicates that retribution rather than deterrence is still the mainspring of capital punishment, that, in fact, the writ of the *lex talionis*

[2] The Commission included, it is true, one neuro-psychiatrist but cannot on that account be rated as a scientific body entitled to make authoritative pronouncements on psychopathy.

still runs in this country. Ever since the M'Naghten Rules were promulgated the main concern of the law has been not that they should be applied in cases of insanity, but lest they should be extended beyond the field of insanity. All this was complicated and indeed camouflaged by the fact that, owing to their being worded in the days of a 'rational' psychiatry devoid of any understanding of emotional disorder, the Rules opened the door to endless and fruitless discussions and interpretations of matters that are clearly outside the scope of rational psychology.

Nevertheless the M'Naghten Rules did establish a precedent, the logical extension of which is to consider which disorders apart from insanity should absolve a murderer of criminal responsibility. In countries like Scotland where the concept of 'diminished responsibility' is recognized in law, this logical requirement is met to some extent, although, it is interesting to note, not in the case of the psychopath. And in fact, the present Commission considers that the Secretary of State should 'give rather greater weight to psychopathic personality *as a ground for reprieve*' (reviewer's italics), implying thereby that psychopathy should be considered as an 'extenuating circumstance' rather than a reason for waiving criminal responsibility.

Admittedly the Commission was handicapped in giving any dependable rulings on these matters by three factors: (1) that it was not qualified to give an authoritative opinion, (2) that the psychiatric evidence was not unanimous, (3) that, if the M'Naghten Rules were to be modified, such modifications would have to be expressed in general legal rather than in psychiatric terms; but it would have lent greater force to its first two recommendations regarding the Rules if the Commission had added a third, viz., that a technical Commission should be appointed forthwith to consider the more specific formulation of psychiatric categories or clinical entities which would automatically exclude the capital penalty or prevent its operation. For there is no question that at present psychiatric knowledge is far in advance of both legal and public opinion on the matter of criminal responsibility, as indeed the present Report clearly shows.

The inevitable consequence of working against these handicaps is a hedging of recommendations. On the one hand it is suggested that if the Rules are to be maintained the addition put forward by the British Medical Association should be accepted, viz., 'that (the accused) was incapable of preventing himself from committing it (the act)': on the other hand the Commission suggests the abolition of the Rules leaving to the jury the task of determining on medical evidence the degree of responsibility. As, however, it is elsewhere recommended by the Commission that the jury should also determine the force of 'extenuating circumstances' (not due to mental disease) justifying a reduced sentence or alternatively a reprieve, it will be

seen that the second recommendation is wider than it appears. For what the jury generally regards as extenuating circumstances can be translated in psychiatric language as the amount of mental stress which would loosen an uncontrollable impulse in an otherwise reasonable person. Extenuating circumstances in fact can be classified under the heading of ' traumatic states of excitation ' with or without a prolonged history of otherwise normal conduct and there is therefore every reason that some future psychiatric commission should attempt to bring order into what must otherwise be a group of ' emotional variables ' to be assessed according to the variable emotions of different juries. Hence, quite apart from the possibility that a legal battle may arise over the delegation of these responsibilities to a jury, we may for the moment be thankful for the small mercies contained in the Commission's first suggestion, namely, to extend the existing rules. No doubt in this extended form they would still give rise to endless confusion and debate but at least they would permit cases of homicidal and sexual psychopathy to be considered on their psychiatric merits as cases of grave mental disorder, the main feature of which is precisely criminal irresponsibility. The truth of the matter is that punishment by execution and the responsibility of criminals are two entirely different problems, the former being a problem in social ethics, the latter an individual psychiatric problem. When brought in penal juxtaposition the issue of deterrence becomes a red-herring diverting attention from the ultimate necessity of establishing precise psychiatric scales of responsibility for *all* crimes, not just the crime of murder.

There is almost no end to the inherent inconsistencies that can be brought to light by a psychiatric analysis of this Report, or perhaps one ought to say of the issue of Capital Punishment. The Commission's majority recommendation (6 to 5) that the statutory age-limit should be raised from 18 to 21, for instance, was based on the view that normal persons under this age are liable to instability in mental and emotional development and therefore presumably unable to stand unusual stresses. If instability of *normal* young persons is to be regarded as an adequate reason for waiving the death penalty, as most psychiatrists would agree, why should it not be so regarded in the case of *abnormal* persons of any age ? ; *e.g.*, psychopaths whose emotional and mental development is immensely more unstable than that of normal persons of 18 to 21 and who, as can be shown by both physiological and psychological tests, have a ' stress-level ' corresponding to that of children under 14 years. It is only burking this issue of responsibility to say (para. 200) that ' these disordered cases should be considered by the Minister responsible for advising a *reprieve* '.

Take again the conclusion that there are ' *no rational grounds* on which

women could be relieved of the liability to suffer the death penalty while it still applies to men' (reviewer's italics). The Report does not conceal its view that opposition to the execution of women is likely to be based on emotional (which is of course a euphemism for sexual) prejudice. But, as is clearly indicated by the figures for reprieve (of 135 women condemned to death in England and Scotland from 1900 to 1949, *only* 13, *one in ten, were executed, i.e.*, 90 per cent. of the sentences were commuted or respited), the argument for the deterrent effect of execution in the case of women is reduced to absurdity; and if the factor of deterrence is one of the main justifications of capital punishment, then to say that there is no rational argument for not executing women is itself irrational, or, not to put too fine a point on it, itself a sign of sexual prejudice, a fact which is in any case implicit in the wording of the Commission's conclusion, viz., 'while it still applies to men'. And it is no use sidetracking the argument, as the Commission does, by eliminating the figures for women in coming to conclusions about deterrence. Nor does it improve matters to argue (as in para. 186) that amongst the women executed are those who have committed 'cold-blooded and atrocious' murders, such as baby farming and slow poisoning. If the 'heinous nature' of the offence is to be taken cognisance of, either in confirming or in commuting the death penalty, then the Commission's laboriously constructed argument in favour of the conclusion that 'it is impracticable to find a satisfactory method of limiting the scope of capital punishment by dividing murder into degrees' falls to the ground. For if it is practicable for a responsible Minister to recommend reprieves in terms of the degree of heinousness, it should be no more difficult for a Royal Commission to distinguish degrees of murder in the same terms.[3]

Summing up, two conclusions are irresistible. Brilliantly written and marshalled with skill, judgment and a patent regard for reason, the argument of the Report demonstrates how impossible it is to be reasonable about an emotional issue without full knowledge of unconscious sources of bias.

[3] Incidentally the Commission admits that 'the system (of establishing degrees of murder) as now operated (in the United States) undoubtedly does much to limit the scope of capital punishment'; and since limitation of this penalty was one of the avowed aims of the Commission, it does not seem that the formidable array of legalistic arguments led by the Commission against establishing the practice in this country justifies the view that this line of approach to limitation is 'chimerical'. If, as the Commission states (para. 53), 'the law cannot ignore the public demand for retribution which heinous crimes undoubtedly provoke' it is also incumbent on the law to give statutory force to this popular discrimination of degrees, not just leave it to juries or to Home Secretaries to act as keepers of the social conscience. This would involve a psychiatric investigation of murderers as well as of the act of murder, *a contingency which curiously enough never seems to have occurred to the Commission*, whose brief and inadequate researches on the subject are confined to elementary classifications of the act.

The second conclusion is essentially a practical one, for never in the history of penological literature has such a devastating indictment of capital punishment been set before the public that is ultimately responsible for its maintenance.

III. CONCLUDING REMARKS

By HERMANN MANNHEIM (London)

Although concentrating on the legal and psychiatric aspects of the Report my colleagues, quite inevitably, have had to touch upon certain other matters as well. No clear-cut dividing line is possible in this field, and I may occasionally have to trespass beyond the province of the criminosociologist and penologist. My principal limitation will be that of space.

It might be tempting to speculate whether 'Hamlet' might not be just as fascinating a play without the Prince bodily on the scene. In fact, the case for abolition seems to be stronger now than it might have been if the Royal Commission had been permitted explicitly to deal with it and had actually done so. In a 'Hamlet' without the Prince every word and every gesture of the actors would have borne witness to his existence and would have argued his case. So it is here with abolition. Nothing the Commission could have done could have prevented this effect. Which, of course, does not alter the fact that the position in which the Commission was placed by their terms of reference was both awkward and unenviable.

Before discussing some of the findings and recommendations it might be pertinent to dwell briefly on certain questions of method, some of them already adumbrated by Dr. Glover. In an article published several months before the setting up of the Commission the present writer argued that an investigation by a scientific body might possibly be preferable to one by a Royal Commission, that a scientific study of a sample of murderers was needed, and that, in any case, the techniques employed by the Select Committee of 1930 could no longer be regarded as adequate. No doubt, a Royal Commission has functions additional to those of a research body, but this is no reason why, in so far as they are identical with those of the latter, their methods should not also be the same and their work be measured by the same standards. The question can hardly be evaded, therefore, whether from the methodological point of view the present Report represents a step forward. In some ways it certainly does. Patiently and conscientiously, and armed with powers greatly superior to those of any private research body, the Commission has collected and ably analysed a vast amount of valuable material; and it is no reflection on its work to say that to the serious student of the problems of Capital Puishment the

Minutes of Evidence are probably more important than the Report itself. The techniques employed by the Commission, however, are largely conventional techniques. Witnesses were heard, invited and uninvited, official and private; some of them representing organizations, others only themselves, some giving only oral evidence, others also submitting elaborate written statements. Prisons and other institutions were visited in this country and abroad. In compliance with the Terms of Reference, special attention was devoted to the position in a number of Commonwealth and foreign countries. Questionnaires were addressed to their Governments; personal visits were paid to the United States and several European countries, and many distinguished experts were heard. As already observed most of these techniques are traditional techniques; any progress that has been made lies only in the greater thoroughness displayed in the collection of evidence and in the superior interpretation and evaluation of that evidence. With regard to scientific issues, including the interpretation of foreign laws, the Commission seems to have relied mainly on the answers received to the Questionnaire and on the evidence given by witnesses. There are two exceptions, however. In Appendix 6 on 'The deterrent value of Capital Punishment' the results of some original research, largely statistical, are presented, though even here most references to foreign literature are second-hand, *i.e.*, taken from Professor Thorsten Sellin's Memorandum.

The second exception is to be found in those parts of the Report dealing with the English and Scottish law of murder and of insanity which are scholarly pieces of legal research. Less satisfactory, however, is the treatment of the position in some Continental countries. Although the Commission had at their disposal the excellent Memoranda supplied in reply to their Questionnaire by the Governments and eminent legal authorities of these countries, in at least one essential point one gets the impression that the summary given in the Report (p. 164) and in Appendix 11 (p. 437) is based upon a misinterpretation. Nor is there any evidence of independent research through which this misunderstanding might have been avoided. The point we have in mind is the subjective element in the definition of murder. According to the Report, in most, if not all, European countries about which the Commission made enquiries, the requirement of 'intent' in the conception of murder is substantially the same as in this country, with the exception of the doctrine of constructive murder which does not exist on the Continent. According to Danish law, it is added, 'where a person ought to have been able to foresee the result of his action, an intention to produce that result may be presumed'. With great respect, this does not seem to the present writer to follow from the material at the disposal of the Commission. Nor is it the view prevailing in the very comprehensive

Continental literature on the subject of *mens rea* in general and of *dolus eventualis* in particular, which stresses that there is no 'intent' where the offender did not actually approve of the fatal result of his action. A mere 'ought to have been able to foresee' is not enough.

The question arises whether, apart from the need for more independent research into certain fundamental principles of Continental Criminal law, the work of the Commission might not have gained in value by the use of additional techniques of research. The Balfour Committee on the Procedure of Royal Commissions which reported in 1910, recognizing the infinite variety of problems to be faced by different Commissions, rightly refused to recommend a rigid set of rules of procedure. Extravagant and revolutionary innovations in research techniques would clearly be out of place in the work of Royal Commissions. This, however, does not necessarily exclude the use of techniques which, though unknown or not yet adequately developed twenty or thirty years ago, are now fairly generally accepted. It might be asked, for example, whether a public opinion poll of the kind conducted in Sweden some years ago and referred to in the Memorandum by Professor Strahl-Uppsala could not have been safely initiated by the Commission instead of leaving this powerful weapon altogether to the Press. Such research might have been done extremely well by a Government Department, (the Social Survey), and would have helped to ascertain the views of various sections of the community on certain important problems raised in the Report. To mention only one that concerns what is perhaps the principal recommendation of the Committee, *i.e.*, to leave the crucial decisions to the jury, the objection was expressed before the Commission 'that the duties of the jury are already onerous and arduous enough, and that it would be unfair to require citizens selected at random to bear the heavy responsibility of deciding whether the death sentence should be imposed . . .' (paragraph 572). The Commission itself regards this, rightly, as 'a matter of opinion', but makes no attempt to find out what the opinion of the public may be on this point. Similar considerations apply to the statement 'we received no evidence that the public regards as inadequate the periods at present served by life sentence prisoners' (paragraph 649). The statement is probably correct, but it would have been better to supply the missing evidence. The possibility cannot be altogether excluded, of course, that the results of such studies of public opinion might be embarrassing to penal reformers, but it is a possibility that has to be faced in accordance with the general principle that the devil we know can be tackled more easily than the devil we don't know.

In other fields of scientific method, no trace can be found in the Report of any consideration given to the suggestions for research into the possibility

of spotting potential murderers and of treating aggressive psychopaths put forward in the evidence of the *Institute for the Study and Treatment of Delinquency* (This Journal, Vol. II, pp. 144 *et seq.*). Nor does the list of fifty very brief case histories in Appendix 4, though not without interest, do full justice to the legitimate claims of the case history technique. This is characteristic of the general weakness of the Report in the field of criminology proper. It has made hardly any contribution to our knowledge of the crime of murder. There are repeated references to the well-known fact that 'there is perhaps no single class of offences that varies so widely both in character and in culpability as the class comprising those which may fall within the comprehensive common law definition of murder' (paragraph 21, see also 617). The opportunity has been missed, however, to make a thorough sociological study of a representative sample of persons found guilty of murder in this country, and apart from the fifty case histories covering a bare five and a quarter pages all we have got are a few statistical tables showing the age and sex distribution and the kind of victims involved.

To return to the recommendation to leave the question of life or death to the jury, to the present writer this does not seem to be quite as absurd as assumed by many eminent critics. No doubt the Commission might have been on safer ground if it could have shown that its proposal was in accord with a substantial body of public opinion. Apart from this, however, it has to be stressed that the recommendation, although a 'radical departure from the traditional conception of the functions of a jury' (paragraph 571), is a step in the right direction towards closer co-operation between judge and jury. As the Report states, there is nothing new in the idea of giving the jury some share in the choice of sentence, and apart from the countries studied by the Commission, *i.e.*, Belgium, South Africa, and the United States, experiments in this direction have in fact been made in other lands. The recommendations of the Commission suffer, however, from two fundamental weaknesses: first the requirement that the decision of the jury on the sentence should be unanimous, which may well deprive the whole proposal of most of its practical value; and, secondly, the refusal to admit the presiding judge to this stage of the deliberations. This together with a rule of unanimity, would make any consistent sentencing policy impossible. The latter danger is admitted by the Report (paragraph 575), but in view of the remaining Prerogative of Mercy not regarded as serious. To the present writer, any system which would open the door to a vacillating sentencing policy of the Courts in murder cases or to me devoid of principles, seems to be intolerable.

In its discussion of the deterrent effect of Capital Punishment the Report shows a remarkably independent attitude and refuses to be swayed by

sweeping generalizations based on subjective impressions in a few individual cases. It is good to have it officially confirmed, for example, that ' what an offender says on his arrest . . . is not necessarily a valid indication of what was in his mind when he committed it (the crime) ' (paragraph 61) and that one should not ' base a penal policy in relation to murder on exaggerated estimates of the uniquely deterrent force of the death penalty ' (paragraph 68).

The same independence of mind is shown in penological matters where the Report, while giving praise where praise is due, does not hesitate to criticize certain aspects of the present penal system. How far these criticisms are justified may be a matter of opinion, and it would be interesting to have the views of the Prison Commissioners on the paragraphs of the Report dealing with work and earnings of prisoners (63 and 636). Most important of all, however, are the conclusions arrived at by the Commission after careful study of the evidence from this country and abroad, with regard to the treatment of those murderers who have so far been executed but would, in view of the discretion to be given to the jury, in future have to serve life sentences. Are they likely to present insuperable difficulties in prison or are existing arrangements adequate ? The answer is that under present conditions a normal prisoner could, if necessary for the protection of society, serve a longer term than previously thought possible without undue risk of moral and physical deterioration, and that the presence of such prisoners would therefore constitute no insuperable difficulties to the prison administration. For mentally abnormal prisoners the Commission lends its support to the Prison Commissioners' well-known project of a new specialized institution for psychopathic or otherwise abnormal prisoners. While all this seems to call for no special comment, it is to be regretted that with regard to the after-care of prisoners discharged after serving very long sentences the Report refuses to accept the view of experts in this field that all such prisoners should be required to keep in touch with the After-Care Association after release. In spite of the low rate of recidivism of murderers it seems to be unduly optimistic to assume that, with the exception of prisoners with a bad criminal record or mentally abnormal prisoners, the decision can safely be left to them whether or not they should be under the supervision of an after-care agency.

Whether the recommendations of the Report will be accepted or not, there can be no doubt that the work of the Royal Commission has produced fresh evidence in favour of total abolition and represents nothing but another step towards this final goal.

TEAM-RESEARCH ON DELINQUENCY; A PSYCHO-ANALYTICAL COMMENTARY [1]

By EDWARD GLOVER (London)

In the light of developments in criminology during the past twenty-five years, it is almost a truism to say that in no field are team methods of investigation, and incidentally of treatment, more appropriate and more essential. This is well illustrated by the history of the *Institute for the Study and Treatment of Delinquency* and of a number of delinquency research centres at universities, hospitals and elsewhere in this country. Whatever may have been the main aim or direction of research, it has been found necessary to draw upon the resources of a number of cognate sciences. Similar developments have taken place throughout the United States of America. Indeed, no delinquency institute or department can nowadays be regarded as adequate which does not mobilize the services of psychiatrists, psychoanalysts, organic physicians, educational and social psychologists, sociologists, social workers (including, of course, probation officers) and statisticians. Under these circumstances it would seem that the stage is now set for rapid advances in all directions of delinquency research.

Although this is a contingency greatly to be desired, we should not neglect the possibility that extension of team research involving a variety of scientific disciplines is fraught with the risk of wasting a good deal of energy and ingenuity. For unless the standards of observation employed by all parties to the research are equally foolproof and unless the units of comparison employed are not only selected with the same degree of discrimination but have a corresponding factorial importance or valency, we are just as likely to witness the accumulation of a mass of observations and conclusions of little or no value, and in many cases the formulation of hypotheses fallacious enough or even superficial enough to obstruct or at least retard progress in research. Without some such system of standardization the utmost we could expect would be that the discipline operating with the most dynamic factors would re-discover the already established importance of these factors.

In view of this possibility it is essential that each discipline should not only provide serviceable *definitions* of its own concepts, capable of paraphrase in terms of the cognate sciences implicated in any given research, but disclose its code of *interpretations*. For it cannot be emphasized too

[1] Being an address delivered before the *Scientific Group for the Discussion of Delinquency Problems* at its third meeting on the 10th June, 1953.

often that the value of any research lies less in the accumulation of new factual correlations than in the *interpretation* of the correlations. Which is tantamount to saying that unless the various cognate sciences subscribe to common principles of interpretation each particular discipline can only discover in any given research its own preconceptions.

Strictly speaking, therefore, a review of this kind should commence with a history of the *principles* arrived at and *methods* employed by each of the disciplines concerned. This, I fear, would take us too far afield and I must content myself with considering very briefly how far their principles of approach may give rise to differences in definition, in technical method and in the interpretation of whatever correlations are established.

To begin with, it is obvious that all methods can be classified in two main groups in accordance with whether or not they take into account *unconscious factors* in mental activity. But this distinction, though radical enough in all conscience, need not unduly hamper the processes of correlation, though, as will be seen later, it does completely alter the processes of interpretation. What does hamper correlation is the fact that the medical or clinical psychologist, and to a certain extent the neuro-psychiatrist, approach their problems with a *radical bias* concerning the dynamic and genetic factors responsible for mental pathology. This raises in an acute form the problem of valency of factors. To the medical psychologist the factor of *mental suffering* (which if he looks deeper can be equated with *mental conflict*) is the governing factor in research; whereas the general psychologist, however much he may take cognisance of conflict factors, is mainly concerned to explain pathological material in functional terms and therefore to apply the same standards and methods as he does in the case of so called normal products. To the medical psychologist, the normal person is one who does not *suffer* unduly from conflict and is able to tolerate social adaptation. When he comes to study the pathological aspects of delinquency, the medical psychologist is not, however, misled by the fact that the offender shows little conscious conflict regarding the commission of an offence; he continues to look for evidence of mental suffering which might give rise to the social maladaptation including such manifestations of physical and mental disorder as may result from conflict. Naturally if he also believes in the operation of unconscious processes his search for conflict factors will be both wider and deeper.

To jump for a moment to the medical psychologist's valuation of mental tests it will be clear that, starting with these preconceptions, he will assess their utility in accordance with whether or not in arranging the tests first place is given to basic factors such as anxiety, guilt, jealousy, or hostility which induce emotional conflict of an intensity that disturbs normal function.

This explains his relative disregard of the results of intelligence tests (though not of performance tests) and his preference for tests which help him to ascertain the emotional set and instinctual balance of the patient.

As for the differences existing between medico-psychological and sociological approaches, it is to be noted that the sociologist, like the general psychologist, is under no obligation to apply psycho-pathological criteria, indeed is free to assume that, for example, delinquent behaviour is nothing more than a willing or deliberate infraction of social codes having no special relevance to the offenders normality or abnormality, except in so far his behaviour may be in part determined by gross constitutional factors, *e.g.*, mental deficiency. Under these circumstances it is vastly to the sociologist's credit that he should pay as much attention as he sometimes does to pathological factors that lie between the constitutional and the environmental, and are mainly responsible for conflict.

Turning from this cursory examination of the principles of approach to review some *practical difficulties and differences*, we may begin with an etiological caption which illustrates the necessity for more precise definitions than at present exist. In recent times the study of delinquency has to some extent become infected with sentimental journalese; the term 'broken home', for example, is now an etiological cliché. To the social psychologist it has come to comprise as many as fifteen different psychological situations, amongst others, death or separation of parents (a period of six months usually qualifying as 'separation', a traumatic standard which incidentally most Anglo-Indian parents, members of the merchant marine and many commercial travellers will resent), divorce, illegitimacy, wartime disruption or absence of both parents on factory work or of the mother on factory work. To this list some psychologists have added conditions such as alcoholism of one or both parents, emotional and social discord within the family and the degree of unwantedness of the child. At this point it is already obvious that the term 'broken home' is generic and can acquire sufficient specificity to throw light on delinquency only by careful isolation of sub-groups, each one of which must be correlated not only with different types of susceptibility but with different types of delinquent conduct, in each case cross-checked by control observations. For if there are as many as fifteen different types of 'broken home' one may assume that there are at least ten different types of susceptible children and therefore an elaborate series of specific combinations of factors.[2]

[2] At first sight this may seem a somewhat arbitrary assumption, yet to those who are accustomed to take unconscious factors into account it is reasonable enough. For if we exclude cases in which the home is broken owing purely to extrinsic factors ('acts of God', wartime emergencies, etc.), the ways in which an adult parent 'breaks' his home are, according to psycho-analysis, determined ultimately by unconscious

These complications are greatly increased by the psycho-analyst, who, apart from postulating a variety of unconscious factors which might give rise to a broken home in an apparently united family, could maintain with some justice that a family may be 'broken' in respect to one member yet remain 'whole' in respect to another. This can be supported by the contention that the brokenness of a home depends less on the manifest state of disruption of the family than on the state of disruption of the child's ego, a subjective state of susceptibility which varies in accordance with the traumatic emotional factors, both environmental and endopsychic, originally responsible for the weakened ego, *e.g.*, anxiety, guilt, jealousy, hostility, to say nothing of other obvious reactions to neglect or ill-treatment. In short, in some cases the broken home factor should be rated less as an objective (social) phenomenon than as a subjective (individual) state; and could better be described under the caption of 'broken bonds'.

To these arguments the descriptive psychologist or social psychologist might reply, first, that the psycho-analyst rarely defines his data in a form that permits of statistical investigation and, second, that in any case psycho-analytical factors are sufficiently wide in incidence to render them useless for the specific study of delinquency. The first of these criticisms is unfortunately only too well founded, but the second has a boomerang action; for if broken or tenuous bonds can be found not only in anti-social disorders but in neuroses in which anti-social conduct is either at a discount or conspicuously absent, the broken-bond sociology of delinquency is also non-specific.

With these considerations in mind we may proceed to consider the disturbing effect of generic terms when applied in team researches. For example, in their electro-physiological, psychological and sociological study of 100 juvenile delinquents admitted to a Classifying School, Sessions Hodge, Walter and Walter (1) based their psycho-social appraisal on an estimate of 19 characters, each on a three-point scale. The inventory was sub-divided into four groups—personal factors, family relationships, school relationships and the nature of offence. Taking in the first instance the

factors, of a kind which not only have their counterpart in the unconscious mind of the child, but provoke in the child specific unconscious counter-reactions. The most striking case is that where the child himself for reasons of jealousy of parents or siblings, unconsciously wishes to 'break' the home. When, therefore, one or other parent decides, also for unconscious reasons, to 'break' the home, the child is then specifically susceptible to the break and his traumatic reaction is increased to the extent that he must repress his own disruption phantasies. We must of course also allow for the case in which the child has no specific susceptibility but reacts to the *severity* of the trauma, *e.g.*, its suddenness, cumulative effect, setting or immediate emotional intensity. Put in more technical language, the effect of a 'broken home' varies not only in accordance with the quality and degree of the trauma, but in accordance with the type and severity of traumatic response of the receptor.

family relationships group, the following characters were noted:—attitude of the boy to father or father figures, to mother figures and to siblings; father's attitude to boy; mother's attitude; parental relations; and degree of unsettlement in early life.

For the sake of economy we may confine ourselves to the first of these characters, namely, *attitude to father or father figures*. Now the psycho-analyst, examining this factor not simply for its normal developmental significance but for its etiological importance in a variety of mental disorders including pathological delinquency, would not be satisfied until not only had he checked the conscious attitude (which is a composite end-product) by reference to its unconscious determinants, but, on the strength of this double investigation, had isolated the particular component which specifically related to any mental disorder exhibited by the patient. Dividing infantile development into a few broad phases in which the sexual and aggressive (love and hate) attitudes of the child pass through specific modifications, and in addition checking these phases of attitude to the father by reference to the complementary and interlocking attitudes to the mother or mother substitute, he would find himself with at least six, if not twelve, specific settings accountable, in part be it noted, for, say, an attitude of father negative hostility.

This, in my opinion, cannot be dismissed as an exercise in ingenuity, it is a clinical necessity. In accordance with the degree to which these specific situations loosened different affective reactions, for example, anxiety, guilt, depression or suspicion, the psycho-analyst would clinically relate each situation to specific forms of disorder. Thus, to take only a few instances, father negative might be a single indication of unconscious infantile sexual anxiety such as is found in hysteria; it might be a cover for an unconscious homo-sexual fixation to the father associated with manifest homosexual practices; it might be heavily reinforced by a displaced unconscious mother hostility such as is frequently found associated with depressions; or it might be the manifest negative aspect of an ambivalent reaction to the father found in conjunction with persistent pilfering from employers. Incidentally, in none of these instances would the psycho-analyst seek to establish that the *conscious* hostility stood in casual relation to the associated neurosis, psychosis or delinquency: he would, however, maintain that both the conscious hostility to father or father substitutes and the disordered manifestations with which it is associated stem from the same unconscious roots. Not only so, he would maintain that the essence of therapeutic handling of such cases would depend on recognising those unconscious factors and, by one means or another, reducing, controlling or off-setting their etiological force.

Apart from the necessity to break down generic categories into their most significant constituents, a constant source of difficulty in research lies in the degree of factorial importance to be attached to different elements in a group of characters. For example, in a comprehensive survey of 548 children suffering from conduct and/or neurotic disorders, Warren (2) includes among his *etiological* factors two special groups; *viz.*, factors 'socially ill-suited' to the patient and factors 'emotionally ill-suited' to the patient. Amongst this latter group he rightly gives place to the degrees of anxiety and hostility shown by both parents but includes also maternal or paternal lack, degrees of solicitude or restriction, spoiling, disparity of age between siblings, disturbing personalities in the household, bullying at school, relatively severe educational standards and psychological traumas.[3] His socially ill-suited factors comprise poverty, overcrowding, a bad neighbourhood and bad companions. These various elements are then correlated with the *psychiatric symptoms* found, which are divided into 5 groups; *viz.*, functional disorders (a most significant group, by the way), emotional attitudes, disturbed relationships, psycho-neurotic symptoms and conduct disorders.

To avoid over-elaboration I would like to indicate briefly what rearrangement of these data would be necessitated by a psycho-analytical approach. To begin with, the psycho-analyst when classifying the data would seek to distinguish between *constitutional, predisposing* and *precipitating factors* leading to the development of symptom-formations or pathological character formations, including pathological delinquency. Evidence for *constitutional factors* he would, in this case, draw chiefly from Warren's psychiatric section, in particular the existence of functional disorders, disturbed emotional attitudes and relationships. The evidence for a *predisposition* to mental disorder of whatever type would be drawn from the same psychiatric sections and correlated with the social and familial influences described in the author's etiological section. The psycho-analyst would, of course, distinguish between *endopsychic* and *environmental* factors in predisposition; in other words he would have to correlate external influences in upbringing with the *susceptibility* both conscious and unconscious of the individual, a search which would throw him back again on a review of constitutional factors. He would certainly arrange both endopsychic and environmental factors in order of *priority* in each case, giving preference in the case of the patient to the

[3] Incidentally he does not include, as do Sessions Hodge, Walter and Walter, the attitudes of anxiety or hostility manifested towards the parents by the child; and, of course, unless he had subjected his cases to an analytically directed anamnesis, he could do no more than hazard a guess as to the interaction of the unconscious anxieties and hostilities existing between parents and children.

factors of anxiety-readiness and especially of guilt-readiness and to the predominance of unconscious mechanisms which would be likely to lead to an externalized (projected) system of discharge as distinct from an endopsychic system; for example, to obsessional pilfering instead of an obsessional neurosis. In the case of environmental factors he would give priority to evidence of parental hostility both unconscious and conscious and second place to parental neglect; all the other factors would be considered together as third-rate influences. On the question of *manifest precipitating factors*, traumatic or otherwise, he would find himself mainly in accord with the findings of the general psychiatrist, the psychologist and the sociologist, although, as we shall see, he would interpret their significance in a different way.

All this, as has been said, would involve a considerable re-arrangement of data. To take some isolated items, most of the 'socially ill-suited' factors would have to be transferred to the 'emotionally ill-suited' section. The influence of bad companions would be described as a combined emotional and ego factor and reserved for passive types, evidence for whose existence would be found in the psychiatric rather than the etiological section. Even poverty would be rated as an external emotional stimulus exerting its maximum force on constitutional sensitives with a history of early instinctual frustration. The family history, constitutional factors apart, and the existence of physical disease would be transferred to the predisposition section, and expressed through the 'family-influence' factors and 'traumatic' factors respectively. And, as has been suggested, a large part of the psychiatric findings would be transferred to the etiological section, operating these through the general factor of predisposition.

I hope I have been able to suggest that as a preliminary to team research not only is it necessary to have standard units of definition and agreed scales of valency of factors but to have some common agreement as to norms of mental development and the particular mechanisms involved in symptom formations whether internally directed as in neuroses or externally directed as in delinquency. Otherwise we are almost bound to end by describing some abnormal formations as causes rather than end-results and some causes as psychiatric disorders, *i.e.*, end-results. In other words we must base our researches on a working theory of mind which can trace both normal and abnormal psychology to common origins and enable us to classify disorders in terms of their developmental significance as well as their dynamic force. In this connection I cannot refrain from saying that some recent attempts to approach the problem of delinquency with a tabula rasa in one hand and the styles of a naïve observational system in the other is also naïve in the more popular sense of the term. To look successfully we must know where

to look; and it seems a retrogressive step to neglect the existing comprehensive and stimulating body of psychiatric knowledge when approaching what is, in the last resort, a psychiatric problem. In fact the inevitable consequence of a naïve approach is that, however much the author may deck out his conclusions in unfamiliar terminology, they merely confirm what is already common scientific knowledge regarding delinquency.

To give further point to the necessity for application of clinical principles to the problem of team research, I would refer again to the paper of Sessions Hodge, Walter and Walter. In the 'personal factors' section of their psycho-social appraisal emphasis is laid on the estimation by Rorschach methods of what is called *neuroticism*. Searching for a definition of this term in the published works of its author, Eysenck (3), it would seem that from the point of view of clinical psycho-analysis, the caption is of little clinical value, is nosologically misleading, and, measured by our existing knowledge of mental development, is retrogressive in tendency. Seeking to ascertain some dimensions of personality, and starting, as he was bound to do, with clinical categories, Eysenck, using a variety of tests, discovers a psychic magnitude which is to some extent superordinate to the self (if I may borrow from the terminology of Jung) to which he gives the name of 'neuroticism'. 'Neuroticism', he maintains, is concerned with a normal variant rather than a pathological variant: it is, he holds, similar in concept to the general trait of intelligence and can be explained or described in terms of the conative component of personality, as distinguished from the cognitive component concerned in intelligence, and from the affective component concerned in what Eysenck describes as an introversion series of reactions. Neither neurotics nor, as Eysenck later maintains, psychotics are something *sui generis*: there exists a 'neuroticism' continuum linking 'normals' with neurotics and a 'psychoticism' continuum linking 'normals' with psychotics.

This is the typically flat result of applying descriptive psychology to the subject matter of depth psychology. And, as in the previous instances described, an examination of the various items that characterize 'neuroticism', shows that they constitute a mixture of factors of varying origin, depth and significance. 'Badly organized personality', for example, is an omnibus factor and so are 'dependence', 'narrow interest' and 'absence of group membership'; 'dyspepsia', 'little energy' and 'abnormality before illness' are symptomatic end-results; 'cyclothymia' may be anything from an affective disposition to a psychotic symptom process: 'abnormality in parents' is a hybrid variable, combining as far as the patient is concerned constitutional and environmental factors; whilst 'boarded out' and 'unsatisfactory home' are environmental variables. Taken individually

they are each capable of elaborate clinical sub-division and have varying clinical significance.

Even if we waive these clinical objections and avoid nosological controversy by substituting a symbol ' Pl.' for the clinical term, ' neuroticism ', it is evident that on the whole the concept retards rather than promotes progress both in theory and in practice. It is true that study of delinquency occurring during the pre-legal age, of delinquency amongst so-called normal adolescents and adults, of undetected delinquency, of delinquency known to the police but not prosecuted and of cases of delinquency ' carried through ' seems to suggest a possible continuum of ' delinquentism ' reaching from the normal to the patently abnormal. Yet the existence of *characteristic* types of *pathological* delinquency including neurotic, psychotic, psychopathic and what I have described elsewhere as ' functional ' delinquency (4), indicates the desirability of avoiding such an unilluminating caption. In the more classical mental disorders it is even more desirable to break down the general concept of a continuum and to revert to the clinical practice of distinguishing and observing the interaction of constitutional, predisposing and precipitating factors giving rise when combined either to latent or to manifest disorders and symptom-formations. Regarded both clinically and etiologically the existence of a ' neuroticism continuum ' merely indicates that constitutional and predisposing factors may or may not result in either latent or manifest psycho-neurotic formations.

Having emphasized the necessity that participants in team-research should literally come to terms before embarking on a common project and that they should organize their terms of reference within the framework of a *systematic clinical psychology* and, I would like to add, *clinical sociology*, which take cognisance of *stages* in both *normal* and *abnormal mental development*, it is only fair to add that in one particular branch of delinquency research it is apparently possible to operate with some efficiency using broad and loosely specified terms. I refer of course to work on *prediction*, both preventive and prognostic. It is true that the Gluecks (5) base their predictive scales on as many as 402 distinct factors ; yet the three final tables are made up each of five factors which at first sight seems to be non-specific. The ' character structure ' scale, for example, comprises : assertiveness, defiance, suspiciousness, destructiveness and emotional lability, and the ' psychiatric ' and ' social background ' scales are similarly sub-divided, the former being based largely on Rorschach tests and the latter on the degree of affection, discipline and cohesiveness existing in the family. Interestingly enough, all these scales appear to have a common predictive value.

The merit of this prediction system is that it is based throughout on clinical studies of delinquents and that the ' character structure ' group

consists on the whole of factors of equal valency; indeed it is clear that the character factors chosen, when quantitatively scored, would *tend* to distinguish delinquent from all save psychotic reactions. The psychiatric screen serves to eliminate the psychotic factor and the social background includes at any rate the environmental (precipitating) factors commonly, though by no means exclusively, associated with delinquent reactions. Furthermore, the scale leaves a reasonable margin for error: for it is clear that in psychiatric affairs, a prediction system which cannot be falsified cannot be an accurate prediction system, a seeming paradox to which Peter Scott gives clinical force when he points out, as he frequently does, that hardy psychopaths may, in course of time, spontaneously settle down and without any treatment become law-abiding citizens. I hesitate to put a figure on the margin of *error* necessary for a *good* prognostic test, but, taking into account the spontaneous recovery rates found in non-delinquent disorders, I should imagine it lies between 10 per cent. and 30 per cent. according to the particular type of delinquency.

Here we have a clue to some of the deficiences of existing prediction systems. Granted that they have every prospect of telling us with reasonable accuracy whether a given child will become delinquent, they give us only a hint as to whether he will remain a delinquent. Nor so far do they tell us what type of delinquency will be elected. This, I venture to suggest, only a system which takes into account deep dynamic factors and mechanisms, including the influence of symbolism, will be able to do satisfactorily, and with the same degree of accuracy with which a psycho-analyst can predict what form of suicide will be preferred by a given depressive case.

Added to which a flat prediction system cannot be expected to single out with accuracy those types of potential psycho-sexual delinquency where the character scale corresponds more to that of a psycho-neurotic disposition. To do so we would have to draw up a list of prodromata to psycho-sexual disorder, no easy task, except in the case of passive homo-sexuality. No doubt many of these drawbacks will be overcome in course of time; the system is after all still in its infancy; but to overcome them recourse to specific rather than to general clinical standards will be necessary.

Casting a general balance of the *value of tests* in team research, it may be said that their most outstanding defect is their etiological sterility. Useful in prognosis and although to a lesser extent in diagnosis, when it comes to new etiological investigations they are blunt instruments. Based originally on observational data and working with factors selected on grounds of probable utility or theoretical plausibility, they can assist in correlating the original observations but they cannot do more than confirm or qualify what might have been inferred without test by applying the principles to the data.

In other words, tests can break no new etiological ground: they can tell us no more than we already know or perhaps one ought to say no more than, as good clinicians, we ought to have known already. To be sure, they are convenient, and capable of statistical control, and they are at present more standardized than clinical approaches. Hence they provide some check on the slipshodness and lack of unified direction of psychiatric or social observation. It is an open question, however, whether in course of time they will not lead us back to psychiatry, first, because their increasing complexity will call for organization which can be effected only on clinical grounds and, second, because the problems they seek to solve are psychiatric problems. A diagnostic or prognostic short cut cannot be expected to uncover motivation. However fallible our psychiatric systems may be, they cannot be clinically improved from without. Psychiatry must indeed put its own etiological house in order; but it can only do so by establishing a working consensus regarding the theory of mind. It avails little to have a theory of neurosis or of delinquency unless that sectional theory dovetails with a scheme of general mental function which fits the facts of life. Until he can establish this consensus, the psychiatrist will go farther and fare better by examining rather than testing his cases.

Turning now to the *role of the social psychologist or sociologist* in team research, a number of important issues seem to me to arise. In the first place sociology is not, or should be not, an exclusively adult study. Secondly, beyond the age at which environmental (mainly familial) factors influence the predisposition to delinquency of infants and minors, the sociological factor is essentially a *precipitating* factor. And precipitating factors must always be read, or rather interpreted, in terms of their emotional significance to the patient. This is most strikingly demonstrated in the case of the psychoses where gross realistic precipitating factors may be absent, yet the patient reacts to minor indications, the shrug of a shoulder, the state of the weather, the time of the day, as if they were major traumata. This of course is due to the operation of what the psycho-analyst calls emotional transferences, *i.e.*, deep emotional patterns of reaction established in infancy and childhood and subsequently displaced along lines of unconscious symbolism to superficial situations. And there is a good deal of evidence that the psychopath reacts in a way similar to that of the psychotic. So clearly the sociologist must be familiar with the endopsychic (symbolic) values which regulate transferences.

Thirdly, the social standards of delinquency are set by society and therefore subject to gross error, due to the operation of a persisting primitive morality or even superstition. The fact, for example, that certain sexual activities, which do not involve either violence or seduction, are rated as

' offences ', even if the offender has the highest sense of social responsibility and ethical integrity, indicates that in these instances the search for ' criminological ' factors should be directed towards society rather than towards the offender, and that, even if we do find criminological stigmata of a pathological type in the patient under observation, these have no necessary connection with the offence as such. Researches in this direction call for close collaboration between the dynamic or genetic psychologist, the sociologist and the anthropologist. I must add that in this work lawyers and administrators (the law makers, in short) ought also to co-operate ; although so far there is little evidence that they are prepared to subject the premisses of criminal law to objective analysis.

In the fourth place, the sociologist, when applying his surveys of predisposing or precipitating factors, must condescend to clinical particulars ; *he must invariably check his observations by reference to the type of offence committed*. Even if there were no flaws in our criminal code, delinquency is nevertheless as wide a field as the field of the psychoses or of normal characterology and as much in need of clinical classification. It is only a source of vexation to find that painstaking and sometimes brilliant researches have reference to omnibus groups, *e.g.*, chosen from prison, Borstal or approved school populations or even groups of ' problem ' children assembled in homes, hostels or remedial schools, with perhaps only the slenderest indication of the type of offence or offences committed. Here again the position of the sexual offences is most ambiguous.

Finally, to mention but one point involving not only method but the *training of workers* it has become the habit of psychiatrists, partly for reasons of convenience, to delegate their social or sociological enquiries to a *social worker*. Strictly speaking they should do this work themselves. Fortunately many psychiatric social workers have a psychological flair which, to put it mildly, is not less than that of their psychiatric directors. But we should not gamble on this happy chance. Either the P.S.W. should be trained and graded as a liaison officer between the psychiatrist and the social psychologist and, what is more important, given equal status, or the psychiatrist, adding to his labours, should enter into more direct communication with the sociologist, having first of course learned the language and the scale of values of these environmentalists.

Summing up these admittedly tendentious considerations, it would seem that the most practical recommendation the psycho-analyst has to offer those about to embark on team-research is that they should choose their associates carefully ; not simply on grounds of professional competence in their own speciality, a qualification the necessity for which goes without saying, but on a community of principles of approach, and as far as possible a

community of interest and aim. It is almost a truism that the strength of a team is the strength of its weakest link; or perhaps it would be more accurate to say that in any given investigation the profundity of the conclusions arrived at is in inverse ratio to the scope of the most superficial method employed. On the principle, therefore, that what is sauce for the goose is sauce for the gander, we may consider *whether the average research team can afford to include a psycho-analyst.*

Needless to say there are some obvious objections to the course. Pursuing individual researches in the seclusion of his consulting room; submitting his work to none of the control techniques favoured by natural scientists; profoundly convinced of the dynamic importance of unconscious instincts, affects, ideations, mechanisms and structures in both normal and abnormal behaviour; employing no social worker; having only the most exiguous contact even with organic physicians; using a language of his own and claiming an apparently arbitrary right to interpret his data according to his own ideas, the psycho-analyst would seem to be a thoroughly unsatisfactory and intransigent member of a research team. So much can be freely admitted. The dangers inherent in uncontrolled investigation, especially when one conducted by credulous or imaginatively undisciplined observers, are indeed well exemplified in our own time in this country where the established principles and conclusions of psycho-analysis have developed a number of pseudo-mystical accretions which frequently outrage psycho-biological probability.

In spite of these objections which, after all, merely indicate that the psycho-analyst, like the psychiatrist, the psychologist, and the sociologist is under obligation to put his own house in order and to keep it in order, I would maintain that it is essential to include a psycho-analyst in research teams provided his role is carefully delimited. It seems to me that his co-operation is invaluable at two points; first, during the preliminary selection of terms of reference; and second, at the end of the research when the various correlations established can be subjected to the indispensable process of interpretation. Having at his disposal a coherent theory of mind, a working classification of mental disorders, a system of dynamic and genetic values and a detailed knowledge of the processes of unconscious displacement, he can help considerably not only to evaluate the relative potency of different varieties of examination and of different factors in examination but to indicate the directions in which research can be most fruitfully pursued.

As far as direct analytical contributions to any given team-research are concerned the psycho-analyst's uses are much more restricted. It is no doubt desirable that, say, out of every 500 cases psychiatrically examined by a

team, five at least should be investigated by a full analysis covering a period of two years. But on the whole the clinical uses of the analyst in immediate team research lie in periodic examination of the emergent results, a process, that is, of applying analytic principles of observation and evaluation rather than of direct analysis of cases. Otherwise the psycho-analyst is best left to his own devices.[4]

I believe, however, that these devices, however scattered their application, are no mean devices. With a minimum amount of direct contact with delinquency, and pursuing his investigations in an almost haphazard way in the fields of neurosis, psychosis, character abnormality and occasionally in the most refractory medium of normality, the psycho-analyst has all the time been contributing to our potential understanding of criminal behaviour. Looking through the various clinical contributions to delinquency research it is somewhat depressing to find how little attention is paid to the importance of guilt-formation, of different forms and directions of hostility and in particular of the relation of hostility to anxiety, of the phenomena of transference, both negative and positive, and their reciprocal relation to the negative and positive counter-transferences of the community, of the operation of displacement, projection and symbolism, of the masochistic tendencies that operate behind the cover of sadistic discharge, and of the mechanisms that interfere with reality-proving and consequently with social adaptation, to mention but a few fundamental factors.

Now whatever may be said against psycho-analytic method it cannot be denied that the psycho-analyst's discoveries in these directions, made, as I have said, in non-delinquent fields, are of vital importance to the study of delinquency. But if we are to make effective use of these discoveries, we must not be too much upset by seeming paradoxes. To take one example: although I do not subscribe to the view that what psycho-analysts call the super-ego exists and operates from shortly after birth, I do believe that by the age of 2–2½ an unconscious system of archaic morality is in comparatively full swing. We must not, therefore, be surprised when the psycho-analyst in expansive, armchair mood, suggests that the immorality of the

[4] During the discussion of this paper, Dr. Carroll drew attention to the uses of psycho-analysis in framing the categories for a psychiatric case-history and in drawing up psychiatric questionnaires for use where direct case-histories are not feasible. I fully agree that psycho-analytic co-operation is essential in both cases and, instead of implicitly including these activities under the vague heading of 'evaluating the potency of different factors in examination' should have specifically indicated them under preliminary committee work. I doubt, however, whether the other psychiatric members of a team would be prepared to accept psycho-analytical categories in place of their own descriptive case-frames. Nevertheless, the fact remains that the uses of direct case-analysis in a comprehensive team-research cannot for various reasons extend beyond the analysis of 'samples'.

sexual offender is due sometimes to the fact that in his infantile years he has been more moral-minded than his then contemporaries; or again, that when the persistent thief forces society to inflict punishment upon him, this is at the same time an indication of lack of conscious moral feeling on the offender's part and of the existence of an older unconscious hyper-morality; by projecting guilt on society and attacking it to the point where it hits back, the offender combines ego-attitudes of revenge with the action of a projected conscience; in other words the intra-punitive mechanisms of the obsessional conscience are replaced by the extra-punitive mechanisms of the delinquent conscience. Incidentally, I view with considerable misgiving the theories advanced in some quarters that delinquent conduct is largely the result of an undeveloped or grossly under-developed super-ego system. It is much more the consequence of a persisting primitive conscience.

It is no doubt much to be regretted that the psycho-analyst has contributed so few direct studies of delinquency; and, if time permitted, it would be interesting to consider the reasons for this sparsity of contribution, amongst which incidentally the rigidity of the classical analytical technique and the difficult nature of delinquent transferences would be found to figure prominently. This fact, however, lays all the greater onus on those clinical colleagues who, although not subscribing to Freudian theory, have nevertheless chosen to verse themselves in the direct study of delinquents. I would like therefore to end this review with some words of encouragement to the clinical (medical) psychologist whatever his theoretical credo.

In the first place, even if his concern is with what the psycho-analyst would call (pre)-conscious forces, systems, ideations, emotions, motivations, and moralities, the clinical psychologist can still order his observations in terms of a working theory of mind. In any case the most effective way to achieve understanding of delinquency is for the clinical observer to soak himself in his material, and to permit his scientific imagination to play on the impressions he has received; for controlled imagination is, when all is said and done, the most potent instrument of research. But although he should have a reasonably systematized set of principles, his clinical contributions need not be too systematic. Actually a great number of research projects in delinquency fail simply because, wittingly or unwittingly, they are too ambitiously conceived. The psychological range of delinquency reaches to the innermost recesses of the mental apparatus and it is futile to expect to discover the 'causes' of delinquency by a tip-and-run survey of 100, or for that matter 1000 cases. On the other hand the happy analysis of an isolated dream fragment in an individual case *may* tell us more about the nature of delinquency than a nation-wide survey conducted by however so brilliant a team.

This brings me to my second point. Psychiatrists are by nature timorous creatures bearing some resemblance, however distant, to poets. Just as the poet lives out some of his conflicts through the medium of his imaginative activities, the psychiatrist lives out some of his conflicts at second-hand through immersing himself in the difficulties of others. But his timidity can sometimes lead him to deny his own vocation as an exploiter of 'rapport' and to dally with the disciplines spread before him by the laboratory worker. Let him not be too intimidated or too easily seduced by the trappings of controlled descriptive science. His main function and virtue lies in creating a psychic situation between himself and his patient which promotes the optimum freedom of mental expression on the part of the latter. Admittedly this imposes certain limitations on his systems of scientific control, but he must respect these limitations: and in fact they are more than offset by the intimate access he gains to human motivation.

I am therefore tempted to add one more to the list of conditions which would promote efficiency in team research. Important as it is to provide a *lingua franca* by means of which each participant in a research project can translate his operative concepts in terms that can be understood by all the others, it is equally important that all members of the team should clearly understand and respect each others technical limitations. This applies with particular force to the methods and concepts of psycho-analysis. For unconscious processes are not only more archaic than (pre) conscious processes but quite different in kind; and therefore call for the application of quite distinct techniques. When the uses of scientific co-operation have been exhausted, the scientific cobbler should return to his last.

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SOME CLINICAL TYPES IN AN APPROVED SCHOOL

By S. H. TAYLOR, (LEICESTER)

It is an accepted educational principle that the study of a child's creative work is a valuable contribution to understanding the child. Yet drawing and painting, dramatic art and play are but forms of expression. It is no great extension of this principle to suggest that behaviour is also a form of expression of a more spontaneous and primitive kind.

It should be remembered however, that the same behaviour manifested by two different boys can spring from entirely different causes. This makes the approach to either boy very difficult, because it demands a complete knowledge of his background. The one may steal for his own selfish ends. He may have no grievance or inner urge to get even with Society for dealing with him unjustly. The other may steal because he is emotionally upset by circumstances which have bewildered him. Inwardly he can make no sense of his relationship with adults and other children. Past experiences have made him afraid and utterly confused on all issues. He wants to evade the decisions of the immediate future, and sees in his delinquent actions a way of hiding himself. It would be very foolish to treat these two boys in the same way.

Given sufficient stress and strain the mind of some young lads may regress to an infantile level, only to abandon such baby characteristics as soon as the urgency has passed and nervous tension subsided. The machinary of methodical expression through speech and writing requires mental discipline to hold back the surge of thoughts and impressions. The inability to use these refinements of education may annoy, frustrate and embarrass such boys, who by virtue of past experience and present stimuli are bursting to release their pent up feelings. A hasty action satisfies them far more than any other form of expression. Sometimes they find that the use of 'bad language' eases the strain considerably, because they feel that each of these words carries a whole wealth of meaning.

Any discussion of a child's behaviour must consider the influence of present and early environment, and of the agencies which have controlled his environment. Of these, the most important are home and Society. His parents desire to make the boy an individual, whilst Society is concerned with producing a good citizen. In a good home the child's training as a good citizen would be part of his training as an individual. During early years the protective cover of the mother shields the child from the herd pressure

of society, which is applied gradually through contacts with the family, experience of school and college, and finally through group loyalties to cultural or political societies. If each phase is properly integrated in the boy's life the good citizen is produced.

Unfortunately, when the machine gets completely out of gear, this natural sequence may be reversed. Circumstances may be such that the first steps are entirely omitted, either because of the absence of parents during early infancy, or because over-zealous parents speed up the very important child-parent relationship wherein the individual is created, and pass too quickly to training in citizenship via the School (often the Boarding School) with its intensive herd pressure. In this way much harm can be done. The general tendency of herd pressure is to cause the individual to lose his identity in the whole. This may be good for a boy whose individuality has already developed and who is therefore ripe for training as a citizen. It is usually taken for granted in schools and institutions that this stage has been reached, but in fact this is by no means true. To be subject too early to herd pressure can produce confusion, bewilderment and resentment. As it is necessary for us all to live in harmony with one another, and for each to contribute something to the common good, some experience of herd pressure is necessary to all. Hence one can have no quarrel with the principle of school loyalties and training. It is, however, important that school pressure should not be exercised indiscriminately or with with equal severity upon all incoming boys. The good school retains with its demand for loyalties sufficient flexibility for the individual to keep his identity, and for the immature lad to pursue his development of self until such time as he is ripe for transferring his allegiance from self to the community.

As in the school so in the home. Parents create the pattern of herd pressure. Fortunately, this is usually good, but on occasions it is far from helpful. At the worst there may be no pattern at all, but only quarrelling and enmity. Wise parents lay down a code of healthy routine with sufficient flexibility as between child and child to allow for individual development. To plan such a programme is not an easy task, and demands good faith, good sense, and sound affection for each child as a separate entity.

Most Approved School boys have known little herd pressure, either good or bad. It is true that they have 'ganged-up' in the streets, but these groups hardly constitute herds as the members make and break friendships so readily. There is no continuity of contact. Each is to the other a companion of convenience, and therefore the partnership may be of an hour's or a few days' duration. Approved School boys are often lonely souls, having no loyalties, good or bad. Usually their experiences are of the negative type. They have known neither love nor security; they have lacked

satisfying contact with a parent who wants them; they have no satisfying prospects.

One of the things which hurts the Approved School boy most is the knowledge that he differs from other children. All children like to feel a kinship with others, to talk of 'My mother and your mother,' of 'My home and your home.' This is the healthiest form of early loyalty. Children like a feeling of continuity and sameness, just as they like familiarity with routine. They love to play the same games over and over amongst themselves; listen to the same gramophone records in the nursery, and the same bedtime story until the adult is tired of the repetition. They like to feel that they all belong to one kingdom of secure beings all possessing mothers and fathers. Therefore we must recognize the sorrow and misery that the deprived child must feel if he has no father, or if, as sometimes happens, he learns that the man in the house is not his father. To a child this must come as a shock and a problem: if he is not his father who can he be? Lack of mutual confidence makes the child hesitate to ask, and the problem gets buried and apparently lost, only to be resurrected in after years.

I had a boy at the School once who appeared thoroughly happy in his work and play, enjoying companionship to the full, and showing few signs of hidden difficulties or conflicts. In early adolescence he became more subdued and reticent. Obviously something was worrying him but he gave us no lead to the solution. He left to return to his own home, but very soon was in trouble for attacking the lodger with a knife and inflicting a serious wound. I visited the home and the boy. His mother described the attack as a frenzy in which he apparently lost all self-control. There had previously been some sulkiness on the boy's part, followed by quarrels, and on this occasion the lodger said to him, 'Get out, you bastard!' This word had kindled the smouldering resentment that the boy had been nursing ever since he had suspected that he was illegitimate. When I saw the boy in the Remand Home he was in a state of acute nervous tension, and begged me to tell him who was really his father. Incidentally, the lodger had used the expression with no knowledge of its applicability in this case.

Many years ago the School Matron advised me that women's underwear was being stolen from the laundry drying room. At the time we both assumed that the offender must be one of the maids, or an outsider coming to deliver goods. Matron watched, and later told me with some consternation that she had found the culprit. Stuart was a fourteen year old boy of wonderful physique, and our Victor Ludorum. She had seen this boy steal into the drying room, undress, and dress himself in a woman's knickers and vest taken from the drying rails. He then put on his own clothing. The Matron was most upset, rather disgusted, and not a little frightened. I was not en-

tirely taken by surprise, as this boy had shown a marked change of relationship towards us in the recent months. I had a talk with Stuart, who at first vehemently denied the charge. When I invited him to strip he at once admitted his guilt and said, 'Something inside me made me want to do it!'

This boy came from a family of good social standing. He was admitted for being beyond control. An uncle was a Minister of the Church, and another uncle was a solicitor. The grandfather was in business in a Lincolnshire town. The mother and father we never knew, Stuart being brought up by the aged grandparents. After the relatives had satisfied themselves that the boy was well cared for at the School they retired into the background, and declined to have any further contact. Then the grandfather died and the grandmother went to live with another relation. Stuart seemed to find complete satisfaction in his prowess at sport, and apparently did not care about his relatives until he was about fourteen years of age. Then came some change of attitude and the incident referred to. It was not accompanied by enuresis. At fifteen Stuart expressed a desire to join the Army, and succeeded in joining in the band.

About three years later I had a letter from the grandmother, the first since before Stuart left us. It was an urgent appeal for me to visit her. No reasons were given. I responded to the invitation as quickly as possible, and arrived at a well-kept detached house. I was received very graciously, and the conversation over tea was about everything but Stuart, until my hostess said, 'I suppose you are wondering why I asked you to come?' I replied that I assumed that it was because Stuart had been behaving peculiarly whilst on Army leave. She returned, 'It is not just peculiar: it is horrible!' 'So he has been wearing women's clothing again, has he?' I suggested.

Stuart was an orphan from infancy. He remembered his parents dimly, and the grandmother assured me that they were excellent people, as indeed were all the family on both sides. I invited Stuart by letter to stay at the School for an Army leave. He must have guessed the purpose of my request, but did not shrink from the visit. He admitted the action and said as before that he had to do it. He was now in the Guards and a wonderful specimen of manhood. I advised marriage. Some three years later he wrote to say that the talk had lingered long in his memory, and that he was now, in fact, happily married and very proud of his first child. Subsequently, he entered the Police Force and did well.[1]

A child's conduct must also be assessed in relation to its immediate environment. We should always ask, 'Is this the true reaction of the boy, his

[1] I have adduced this case of transvestitism as a clinical problem which is fortunately rare in a Junior Approved School. I have approached the boy's case purely from a schoolmaster's angle.

true approach to Society, or are there artificial factors at work which produce this pattern?' This is very true within the unnatural organization of an Approved School. Few boys want to come. Most want to get out. In pursuit of this latter desire a boy will either rebel at his detention, or appear to like being here in order to win the necessary good reports for early licence. The School therefore creates its own need for careful analysis of the boy's conduct. There is at the present moment a boy about to leave us, whose conduct for three years has been a headache to all. He has concentrated upon thwarting the organization, resisting all efforts to help, and pitting himself against the obligations resting upon all within the Institution. However, he never steals or breaks the social code. In all his activities there is resistance. There is a touch of humour in all he does, and I believe that when he leaves he will make a success of life.

Besides these two groups there are, of course, the boys who are genuinely happy and content in this environment. They behave naturally because they accept these conditions, not grudgingly, but willingly. Only in an acceptable environment can the true behaviour pattern be operative. Our problem is to distinguish between these types. To decide this, conduct alone is not a sufficient guide. We must penetrate behind his actions to discover why a boy, who may have been the best behaved in the School, fails so signally when he leaves the School. For though the Approved School is necessary to Society, it is not invariably the best answer to the boy's problems.

The definition of education as a preparation for life is a useful guide when we know with reasonable accuracy what life has in store for the child. With the normal school child living in a normal home, we can foresee reasonably well what this is likely to be; but with the Approved School boy we are much more uncertain. We may know, but this is not so important as whether the child knows. Again, there may be a great difference between what the child knows and what he hopes for. Largely cut off from home contacts, he dreams of Elysian fields. Fantasy and reality rarely coincide, and when the dreams prove false the boy's emotional reaction brings in its train a regrettable conduct pattern.

Again, the Approved School tends to create its own problem, since the best residential school is not invariably the best training for home life afterwards. Clearly, therefore, the pattern of the School should aim at a close proximity to normal life. Materially this may be reasonably possible: plenty of contacts with the outside world (what a pity so many Schools are placed in the heart of the country), plenty of work with rewards, a good education, and so on. But the boy breaks down not for these reasons, but for reasons of personal relationship with kith and kin. The Approved School can give little preparation for this. I have studied the fundamental reasons

why 150 boys broke down when at home. The official reasons may have been theft, wandering, refusal to work, or tantrums, but in 81 per cent. of the cases it was caused primarily by a feeling of not being wanted at home.

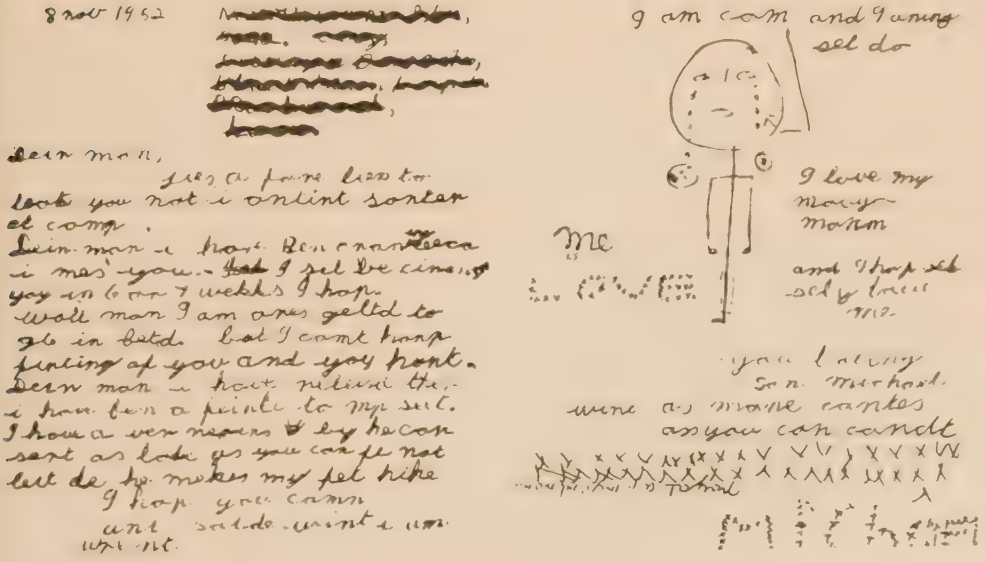
This would seem to indicate that the parents or relatives are entirely at fault, but this is a hard judgment on them. They often do welcome the child, but their other family commitments make them expect the returned Approved School boy to fit in smoothly with them. For his part, he has anticipated this homecoming for months. He expects the concentrated attention of everyone; attaches a great deal of importance to his return, and when he is not treated as the Prodigal Son, is quickly resentful. A fifteen year old boy may be emotionally only four or five years of age, and he will respond in a child-like manner. He will shout and make a scene when mother will not immediately conform to his wishes. He will work only when he wants to, and sulk when corrected. One might say that he should have been trained at the Approved School beyond the infantile stage. Unfortunately, emotional growth is so different from physical and mental growth. With the two latter, positive progress is possible, but with emotional health and growth a sudden collapse and retracing is always possible in unfavourable circumstances. As long as he is in the School, its stable atmosphere discourages such crises.

A collapse in emotional stature or equilibrium is characteristic of Approved School boys, and in extremes this can give rise to spectacular situations. Victor came to the School from a remote, tied cottage in the heart of the country. He had most of the symptoms of an acutely deprived and neglected child of apparently low intelligence. Almost immediately we lost touch with the parents, and they remained untraceable for five years. Victor made slow progress and found loyalties and a spirit of industry hard to acquire. His interests never extended far beyond his own needs, and he was happy to be institutionalized, although we tried to avoid this because it encouraged his natural laziness.

At about fourteen years of age there was a definite change and he began to enquire after his mother. Fortunately we had succeeded in locating the parents at that time, and I investigated a most interesting family history. When the mother agreed to receive Victor back to her home his whole attitude changed. He acquired life and interest, even a philosophy of social relationship. He returned to the family and the results were lamentable. He was extremely possessive, trying to monopolize all his mother's attention and devotion. The mother was perhaps unwise in her handling of the situation. Quarrels and tantrums—staying out until midnight—smoking and drinking—led to her complete repudiation of her son. He had to return to us and be boarded out with foster parents. For two years we had a difficult time with Victor. He accepted no foster parent, and seemed satisfied only

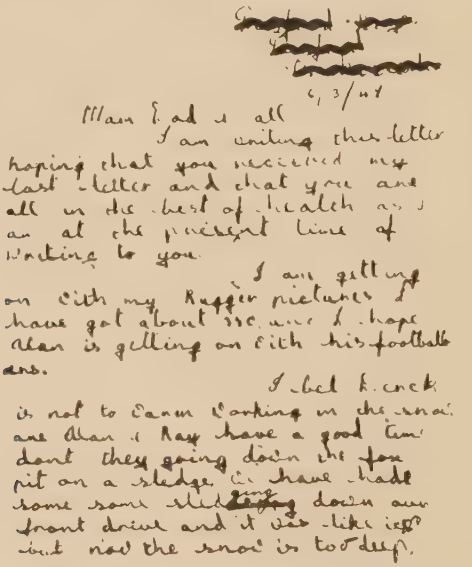
when back under the protective cover of the School, working with women in the kitchens. He was very child-like in all his thought processes, although he liked to ' play the man ' when discussing his affairs with the kitchen staff. Finally a foster mother was selected who was instantly acceptable to Victor, and who immediately liked the boy, now nearly eighteen years of age. It was an interesting case of mutual acceptance rapidly ripening into a healthy mother and son relationship of an entirely wholesome kind.

This case illustrates the point that one may have to try a score of foster parents before the true merits of subsitute parenthood can be appreciated. Critics of the system judge results too readily on the outcome of incompatible personalities. One cannot foretell the reactions, neither can one always account for failure. One must try again and again. It is often unwise to place a boy with foster parents maintaining a set of material and cultural standards very divergent from the lad's own. We all wish to raise and educate the boy to better conditions and ambitions, but not too much too soon. The foster parent so successful with Victor would never have suited some of our other boys, but to Victor her standards were understandable. We were delighted with Victor's progress. After some months he was called to the Forces. At school he had said he wanted to go into the Army, but when the time came he hated the whole idea. It meant a break from the first real warmth he had known. Victor was most unhappy in the Services. I realized this and pondered upon what to do. One cannot always assist a man to avoid issues or shirk responsibilities. I called upon the foster parent



and was shown a letter written that week by Victor, which is reproduced here.

As will be seen, it was entirely unreadable. All command of simple spelling had gone. The ability to convey thoughts in the simplest language had slipped right away. For two pages the boy repeated the phrase, 'I love you, Mum.' Oddly enough, the foster mother could make something of it. On the third page the young man gave up the effort of using that cumbersome machinery of spelling and syntax, and went back to the primitive artifice of thought conveyance by drawing. It will be agreed, I think, that the sketch had some merits. It succeeded where language failed. The boy doubtless found great relief in this quick and expressive technique. The interesting point is that four years before Victor had done fairly good work in English in the classrooms, and a specimen of his work taken from one of his exercise books is reproduced for comparison.



Under the stress of deep emotional breakdown the boy's whole cultural structure had broken down. After his years of isolation and denial of normal relationships, his foster mother had come to mean everything to him. She represented all that he had lost. Now he was separated from her. He had to convey his feelings in some way, and this urge brought his emotional health down to the primitive level. He felt that he had to get his message over, or burst. Hence the sketch.

This is a pattern of behaviour which can accompany any deep feeling of love when it impinges upon a weak character whose emotional health is shattered by incomprehensible and uncontrollable urges. Such people are

indeed a little mad. Should the same dynamic urge, in the shape of hate instead of love, impinge upon a similar character, I think a pattern just as colourful but far more disastrous than primitive drawing might result. Such situations are occurring almost daily, and the Press has the sad duty of reporting apparently inexplicable outbursts of violence. Hate and love have similar origins. These roots may be buried deep in the past. A set of circumstances arises wherein the subconscious rears up and an incident brings about an emotional collapse which instantly takes its victim back to the primitive. Only action can bring relief or satisfaction to the patient. The more spectacular the action, the greater the relief.

Occasionally there arises an ethical question of responsibility. This point is best illustrated by a definite example. A lad of twenty-two committed murder by stabbing a girl. The mental circumstances were much in line with those which have been discussed in previous paragraphs. From the age of three, the boy had spent his life in Children's Homes, then in an Approved School, and finally with foster parents chosen by the School authorities. From the foster home he went into the Army, and thence into lodgings for a short time before appearing in the dock. A plea of insanity failed, and the State condemned him to death. Almost all the experiences which shaped the boy's character, and all the environmental factors of institutions, schools and foster parents had been of the State's choosing through its officers. The boy was therefore a protégé of the State from infancy to manhood. The State could therefore be said to be responsible for the young man's attitude to Society. Is it logical, therefore, for the State to sentence him to death? It may be of interest that the lad was later reprieved.

So far we have dealt with fundamental relationships and the breakdown of emotional health, with the resultant effect upon behaviour in extreme cases. It would be fitting to conclude with some definition of Approved School characters as a whole. To serve this end one might borrow a phrase which I think was coined by David Ricardo, the eighteenth century economist, when discussing the economics of the land. The words 'marginal land' were introduced to depict tracts of land which were below the standard of rich pasture or arable soil, yet better than barren untillable earth.

Very often, in pre-war days, marginal land was allowed to lie idle because it was not an economical proposition to give it the attention it demanded for reasonable returns. Research, however, proved that with adequate drainage, tilling, and the application of stimulants this marginal land could be made to pay for itself. Whilst its yield could never equal that of the best farm land, the nation recognized under the duress of war that it was a matter of national importance that the requisite attention be given. If this attention were withdrawn, the marginal land would quickly revert to its early dis-

tressing state. I think this analogy holds good for the boys we have in mind. Our middle stream in the Approved Schools might be termed 'marginal lads.' They are not the salt of the earth, neither are they normal lads who have temporarily lapsed, but they have good possibilities if they get the care and attention they need. Nevertheless they cannot be turned out and expected to hold their own in good fortune or adversity with their more fortunate brethren. They will always need help and some degree of shielding, otherwise they may revert to pre-training standards. So often is this factor forgotten. Neither the Approved School Headmaster, nor the Psychiatrist, have any elixir or magic formula to convert the marginal lad into Grade A. The large middle stream of the Approved Schools can be re-educated to acceptable standards, but this education or its post-training equivalent must continue for a long time after the formal stay in the Approved School. At present our aftercare systems are but checks upon the results of training. Too little real help is available to the marginal lad after his re-entry into Society.

FOURTH INTERNATIONAL COURSE IN CRIMINOLOGY

The Fourth International Course in Criminology, arranged by the International Society of Criminology with the support of U.N.E.S.C.O., will be held in London from March 24th to April 13th, 1954, under the direction of Dr. Denis Carroll and Dr. Hermann Mannheim. The subject will be 'Recent Advances in the Study and Treatment of Offenders'. Lectures, followed by discussions, will be given by well-known experts from various countries in the fields of Criminology, Biology, Psychology, Psychiatry, Sociology, Penology, and Police Science, and visits will be arranged to places of interest.

Applications for admission should be made before February 14th, 1954 to the Secretariat of The International Society of Criminology, 28 avenue Friedland, Paris (VIIIe), or care of The Institute for the Study and Treatment of Delinquency, 8 Bourdon Street, Davies Street, London, W.1. The fee for the Course is £7, payable in London.

The full programme is obtainable from the Secretariat of the Society or the Institute.

RESEARCH AND METHODOLOGY

(*Continued from Vol.* IV, *p.* 123)

CURRENT RESEARCH. XXXII. METHODS OF DISPOSAL EMPLOYED IN THE LONDON JUVENILE COURTS, WITH SPECIAL REFERENCE TO THE USE OF CONDITIONAL DISCHARGE.

(1) *Name of University Department supplying the information :* London School of Economics and Political Science.

(2) *Subject of Research :* A study of methods of disposal employed in the London Juvenile Courts with special reference to the use of conditional discharge.

(3) *Under whose auspices is the research being carried out ?* Under the auspices of the Home Office and the London School of Economics and Political Science. Dr. Hermann Mannheim and Dr. John Spencer. *Research worker .* Mr. G. W. Lynch, B.Sc.

(4) *When commenced and when likely to be completed ?* Commenced in November 1952, and likely to be completed early in 1954.

(5) *Have any results been published and where ?* Nothing so far published.

XXXIII. JUVENILE DELINQUENTS IN A PSYCHIATRIC CLINIC—A STATISTICAL STUDY

(1) *Name of University Department, Hospital, or other Institution or private person supplying the information :* The Portman Clinic (Institute for the Study and Treatment of Delinquency).

(2) *Subject of Research :* A statistical study of a sample of 250 boys 7–17 years of age, examined in the Portman Clinic in 1952/53 : —

(a) in relation to the general delinquent population, and

(b) to correlate the legal and socio-economic factors in delinquency to psychological and psychiatric findings.

(3) *Under whose auspices is the research being carried out ?* The Institute for the Study and Treatment of Delinquency. *Research Worker :* Mr. W. Litauer, M.A., LL.M., Research Fellow (I.S.T.D.).

(4) *Started :* April, 1953.

(5) *Publication :* No results so far published.

CURRENT RESEARCH. XXXIV. ROLE OF LOW INTELLIGENCE IN DELINQUENCY.

(1) *Name of University Department, Hospital, or other Institution or private person supplying the information :* Institute for the Study and Treatment of Delinquency, London.

(2) *Subject of Research :* A review of the existing statistical investigations and the intensive study of a small group of dull delinquents to examine the operation of low intelligence in adverse situations in the home, school and cultural background.

(3) *Under whose auspices is the research being carried out ?* Institute for the Study and Treatment of Delinquency, London. *Research Fellow :* Mary Woodward, B.A.

(4) *Started :* January, 1953. Completion expected, May, 1954.

(5) *Publication :* No results yet published.

NOTES AND CRITICISMS

REPORT OF THE COMMITTEE ON DISCHARGED PRISONERS' AID SOCIETIES
(London, H.M.S.O. 1953. Price 1*s.* 9*d.*)

This is a document which should be warmly welcomed. Considering that half the Committee consisted of representatives of the Discharged Prisoners' Aid Societies, the very organisation whose function and finance it was the Committee's task to review, the report shows a remarkable capacity for self-criticism. The changes which are recommended are bound to produce opposition from within the D.P.A.S., particularly amongst the present welfare agents, and tribute is due to the courage and objectivity of their representatives on the Committee.

The main recommendations are as follows:

1. *Full-time, trained social workers* (*Prison Welfare Officers*) *should be appointed at local prisons, one in the smaller establishments and several in the larger. These officers* (*who might be either men or women*) *should have the same kind of training and the same salaries as probation officers, and should be employed by the National Association of Discharged Prisoners' Aid Societies and not by the local authorities.*

Discussion:—The appointment of an adequate number of full-time, trained social workers would provide the basis for successful after-care. Preparations for release could be started from the moment the offender enters the prison. Once his economic and emotional needs are assessed, and the family situation has been explored, it would be possible to plan pre-release treatment and after-care. Moreover, since training in the average local prison is handicapped by lack of work and shortage of staff, the presence of a sufficient number of good and energetic social workers could transform what is still a somewhat negative regime into something much more positive. But this general vitalizing role would only be successful if it were possible to win over the ordinary discipline staff. This is a point which cannot be over-stressed. Indeed, it would pay the social worker to go out of his way to build up good relations with the discipline staff, and particularly with those officers who are known to be difficult and somewhat reactionary. Much of their possible distrust might be dispelled if social workers showed themselves ready to listen to their problems and to understand their attitudes. Not the least useful by-product of the Committee's recommendations might therefore be an improvement in staff relations as well as an increased acceptance of the principles of reform and rehabilitation.

2. *The D.P.A.S. should cease to be responsible for meeting the immediate subsistence needs of prisoners on discharge. Such needs should be met by public funds and the payments should be made by the trained social workers.*

Discussion:—It has long been an anomaly that the 'tide-over' money which for most prisoners is a *sine-qua-non* should still be paid by hard-pressed private charity. The state bears the burden of protecting the community and it is logical that this protection should also extend to the provision of immediate needs for the discharged prisoner so that he is not driven back to crime by economic circumstances. Such a proposal would render the work of the present D.P.A.S. case committees unnecessary. These committees at present meet within the prisons and try to assess the aid to be given to each prisoner on the basis of short interviews before discharge 'While arrangements of this kind may be sufficient where

the aim is merely to provide . . . some initial aid upon discharge', the Report says, 'they are scarcely so for the formulation of plans for selective after-care. . . . Such plans cannot be extemporized on the basis of a short interview with a prisoner. . . . The crucial weakness which makes it so difficult for these committees to act as effective instruments . . . appears to be the lack of sufficiently detailed and reliable information about the prisoner . . . and . . . of informed and carefully thought-out recommendations as to the sort of assistance which he will require and the means by which it may best be given. . . . The meagre information given to these case committees cannot be compared to what in other spheres of social work would be recognized as a 'case history'. The whole concept of case work as it is understood by trained social workers is missing.'

3. *The D.P.A.S., freed of certain tasks now placed upon them, should 'deepen and develop their interest in the field of voluntary after-care', and should use the welfare agents at present working part-time or whole-time within the prisons 'as the field-workers and after-care agents', to make social enquiries during sentence and carry out the plans recommended by the trained social workers in the prisons.*

Discussion:—This recommendation follows from the others, which provide the basis of a national system of after-care. How effective such a system would be will depend on the enthusiasm and skill with which the D.P.A.S. and their welfare agents will accept their new role. Again and again, the ex-prisoner is subjected to what Mannheim has called the principle of less eligibility. This may manifest itself not only in the difficulty of obtaining and retaining suitable work, but in the reaction of wives, sweethearts and children, of neighbours and friends, in fact, in all relations between the ex-prisoner and other people. In addition, many discharged prisoners find the transition from the shelter of prison existence to life in free society, with all it demands, exceedingly difficult. To help them to overcome all this, to give support and sympathy, to strengthen their ability to face up to themselves and their problems is a tremendous challenge. Time will show how the D.P.A.S. will meet it.

Conclusion:—The growth of the Welfare State has shown that within what used to be called the submerged tenth of the population there is something like a submerged hundredth which cannot be helped by economic measures alone. They need non-material aid provided by specialist social services, and the recommendations of the Maxwell Committee are based on the recognition that such non-material aid should now be extended increasingly to discharged prisoners.

John Haslam, M.D.
Apothecary at Bethlem 1795–1816
A Pioneer of Forensic Psychiatry

English law had not recognized insanity as a defence until the beginning of the 14th Century, the influence of demonology successfully militating against any rational treatment of the insane. Fitzherbert, writing early in the 16th century did not consider insanity as a defence at law, although he wrote 'He who is of unsound Memory, hath not any Manner of Discretion: for if he kills a Man, it shall not be Felony, nor Murder, nor he shall not forfeit his lands or goods for the same, because it appeareth that he hath not Discretion: for if he had Discretion he should be hanged for the Same, as an Infant who is of the Age of Discretion, who commiteth Murder or Felony, shall be hanged for the Same.'

Exactly what ' Discretion ' was, Fitzherbert did not state. Lord Hale (1609–1676) was the first to distinguish between ' total insanity ', excusing criminal responsibility, and partial insanity, which did not. He laid down that ' the moon hath a great influence in all diseases of the brain, especially in this kind of dementia : such persons, commonly in the full and change of the moon, especially about the equinoxes and summer solstice, are usually at the height of their distemper—but such persons as have their lucid intervals (which ordinarily happens between the full and change of the moon) in such intervals have usually at least a competent use of reason.'

The common law, as expounded by Blackstone, recognized two types of psychiatric patients, ' the idiot, or natural fool,' and the lunatic, or ' *non compos mentis,*' who by disease, grief or other accident, had lost the use of reason. Moreover—a lunatic ' is indeed properly one that hath lucid intervals ; sometimes enjoying his senses, and sometimes not, and that frequently depending upon the change of the moon. But, under the general name of non compos mentis are comprised not only lunatics, but persons under frenzies, or who lose their intellects by disease ; those who grow deaf, dumb, and blind, not being born so ; or such, in short as are judged by the court of chancery incapable of conducting their own affairs.' Judged by the state of psychiatric knowledge at that time, the law was sound, and reflected the current medical opinions. However, the madness of George III, and the attempt on his life by Hadfield in 1800, awakened public interest in the legal aspects of insanity. At Hadfield's trial, a new principle was introduced into law by Lord Erskine, a brilliant criminal lawyer defending the accused. In his address to the jury, he stressed that ' Delusion, therefore, where there is no frenzy or raving madness, is the true character of insanity.' In later life Erskine considered that the delusion must be connected with the act, in order to be admitted as a defence.

As a result of Hadfield's trial, a new Act was passed through Parliament—' The Insane Offenders Act.' Previously when a prisoner had been acquitted on the grounds of insanity, owing to lack of suitable provision for the care of the criminally insane, he was often set free. This Act laid down that a criminal lunatic should be ' detained during His Majesty's pleasure,' but as the Act had been passed so hurriedly, there was no place of detention for such persons. The Governors of Bethlem were approached, but not until 1816 was a ward set aside for the ' criminal lunatics.' Here, incidentally, they remained until Broadmoor was completed and ready for occupation in 1863. In fact, until 1816, many criminal lunatics found their way to Bethlem—Hadfield lived there for forty-nine years. Walsh, a naval mutineer, and Barnett, who had attempted to shoot Miss Frances Kelly, a popular actress with whom Charles Lamb was in love, were also inhabitants of Bethlem for many years.

The medical men connected with Bethlem were, therefore, excellently situated for the study of medico-legal problems. John Haslam, Apothecary to Bethlem from 1795–1816 was in fact the author of the first book written by a psychiatrist on those aspects of psychiatry which involve the law.

In 1817 he published a 150-page volume entitled ' Medical Jurisprudence As It Relates to Insanity according to The Law of England.' He writes in the preface that ' The consideration, that in our own language, no work existed on the subject of Medical Jurisprudence, as it relates solely to Insanity, urged me to the present performance . . . The following sheets are addressed to readers of different

pursuits, law and medicine,' and he is quick to stress that he is by no means encroaching on the lawyers province. His purpose is to present to the lawyer a clear picture of 'the general phenomena of disordered intellect, and the criteria of insanity,' for the doctor an account of what is likely to be expected of him when giving evidence on the state of mind. Somewhat bitterly, owing to his own chastening experience before a Committee of the House of Commons, he writes that he had also intended to submit to the public 'the consideration of insanity in a political view.' Especially to point out the desiderata for a bill to protect the insane, and 'as insanity is a disease, by the unanimous concurrence of physicians, most certainly to be remedied at the commencement of the attack: it ought to be a leading object with those who possess the power to legislate, to afford every facility to the medical attendant, that he may have early access to the treatment of this malady.' This enterprise, although Haslam was a prolific writer, was never in fact accomplished. No doubt the fact that Haslam had been dismissed from his post at Bethlem in 1816 under the most unjust circumstances would not allow him to write in a sufficiently detached manner for such a political enquiry.

The work itself consists of 150 octavo pages, well printed and clearly set out. Indeed from the start Haslam recognized that the obscure and difficult terminology of psychiatry has little place in a Court of Law. The technical language of the learned professions is commonly enveloped in mysterious obscurity persons for the most part acquire names without investigating their force and legitimate import; and currently employ them rather from habit than comprehension: 'it has therefore been my anxious endeavour to scrutinize words of important meaning, and to convey the manifestations of mind and the symptoms of disease, by expressions generally understood, and emancipated from the thraldom of professional nomenclature.'

The medical man is to realize that he has to convince the jury of the accused's insanity, he 'has not to palm on the court the trash of medical hypothesis as the apology for crime,' and above all he must himself be able to defend his opinion under cross-examination. The physician does not come to court merely to give his opinion, but should be prepared to explain it, and give the reasons whereby he has reached that opinion. The lamentable behaviour of psychiatrists in the witness box would not be so frequent a spectacle, if these simple facts were complied with. The judge must be impressed and the jury convinced by the doctor's evidence, and they are lay people. Haslam at once realized that it was important to consider the state of 'popular feeling and intelligence concerning madness,' among the generality of persons. Lay concepts of insanity are not very easily removed or altered, and they are mostly derived from stage or literary madmen, or from visits to Bethlem. 'To impress ordinary persons with the existence of insanity, some prominent and strongly marked features are absolutely required.' Delusional insanity, or melancholia are particularly difficult of comprehension, and here the doctor will have a most important function in court. He next goes on to consider the very important questions of good and evil, right and wrong, which the prosecuting counsel invariably raises. 'If it should be presumed that any medical practitioner is able to penetrate into the recesses of a lunatic's mind, at the moment he committed an outrage: to view the internal play of obtruding thoughts, and contending motives—and to depose that he knew the GOOD and EVIL, RIGHT and WRONG he was about to commit, it must be confessed that such knowledge is beyond the limits of our attainment.' It is sufficient

for the doctor to state that the accused's mind is deranged, and that his insanity will be sufficient to account for those actions which in a sound mind, would be deemed criminal. As for the rationality of lunatics, Haslam records how easy it is for the lay, or inexperienced observer, to be confused on this topic—few are mad in every aspect of their being, but none-the-less, ' the map of his mind will point out that the smallest rivulet flows into the great stream of his derangement.' A radical perversion of the intellect is the basis of this delusional insanity, which the psychiatrist must so show to the jury, as to convince them that here is a man bereft of reason.

Then again there are cases of sudden paroxysmal bouts of fury, accompanied by a retrospective amnesia, which are important legally. Whatever their provenance, the altered state of consciousness during these paroxysms is sufficient to render a person immune from the legal consequences of his actions during such periods. Haslam describes the case of a very powerful man, who in his youth had been subject to epileptic attacks, and frequently to intervals of sullen abstraction, which increased after the epileptic fits had subsided. He became suddenly ' furious, and during the transports of his disorder destroyed two children and a woman ; For this act there appeared to be no motive.' During many years of confinement in Bethlem, Haslam had constant opportunities of seeing him, and questioning him. The patient always persisted that he had no recollection whatever of his act. The many paroxysms witnessed by Haslam were always accompanied by an amnesia, and although the patient was blooded during one paroxysm, he had no memory of this, or of the people about him. Haslam is certainly the first to have drawn attention to the importance of this type of epilepsy in relation to crime and responsibility.

The second part of his treatise is devoted to consideration of ' that morbid condition of intellect which requires the interposition of the law to protect the person and property of the party so affected.' Again Haslam stresses the importance of the jury, and how necessary they are, when faced by conflicting opinion from medical gentlemen who have spent their lives in the study of insanity. Haslam would have had little time for the panel of experts. Similarly, he condemns the lawyers who introduce phrases such as ' unsound mind ', without clearly defining them. He writes that there can be only three states of the human mind: ' Sound Mind, Insanity, and Idiotcy.' There may be different degrees of these states, of course, but the law ought clearly to distinguish these three mental states, and nothing more. The snags and pitfalls inherent in the assessment of sound mind, insanity, or idiotcy, are then explored, Haslam defining his terms, and giving a succinct account of the problems. He devotes a little attention to the 'lucid intervals ', which could assume such importance legally. According to the legal interpretation of lunacy, a person in a ' lucid interval ' would be fully responsible. But Haslam points out that the term ' interval ' had not been defined, and is extremely indefinite. Moreover ' as a constant observer of this disease for more than twenty-five years, I cannot affirm that the lunatics with whom I have had daily intercourse, have manifested these alternations of insanity and reason.' They may at times become quieter, or more tranquil and less inclined to talk, but their distempered notions remain.

The volume ends somewhat abruptly, with a short account of testamentary capacity, to which little could be added today. Throughout the work, Haslam insists on frequent examinations of the patient, enquiry into family history, and

a particular note of the patient's writings. The lucid, sensible, modest, and yet knowledgeable way in which the book was written led to its immediate acceptance as an authority. The first book of any magnitude or value in English on Forensic Medicine had appeared in 1816. An Epitome of Juridical or Forensic Medicine : for the use of Medical Men, Coroners, and Barristers, was written by George Edward Male, a physician to the General Hospital, Birmingham. The section on Insanity is almost entirely based on Haslam's previously published 'Observations on Insanity, with Practical Remarks on the Disease, and an Account of the Morbid Appearances on Dissection,' 1798—and his 'Illustrations of Madness,' 1810. The next important date in forensic medicine is 1823, when two books appeared, one in America by Theodric Romeyn Beck, entitled 'Elements of Medical Jurisprudence', and a three-volume work published in London, 'Medical Jurisprudence', by J. A. Paris, M.D., and J. S. M. Fonblanque, Barrister-at-Law. Again Haslam is extensively quoted in both, and Beck's chapter on insanity in particular is largely derived from Haslam's works. It is strange, therefore, that there is no mention of Haslam's work by Prichard in his book 'On the Different Forms of Insanity in Relation to Jurisprudence', which appeared in 1843. But Prichard was a xenophile, and practically every reference he quotes is either French, German, or American. He does scant justice to Haslam, who was still active, and although by now 80, had read a paper before the Society for Improving the Condition of the Insane in the same year. The title of this paper shows that the legal problems of insanity still interested him—'An Attempt to Institute the Correct Discrimination Between Crime and Insanity.' He suggests that it might be desirable to send patients or delinquents before trial, to Bethlem Hospital, 'Where the state of their mind might be accurately ascertained, and veraciously reported.' For this purpose a section of Bethlem would be set aside, and the courts would then have the advantage of carefully considered, and disinterested opinion. In the same year the famous Five Questions were put to the Fifteen Judges of England, and as a result the McNaghten Rules were formulated. In spite of what Haslam had so clearly written in 1817 on GOOD and EVIL, RIGHT and WRONG, the concept of defect of reason, and of right and wrong prevails.

Haslam's work, as we have seen, gained wide acceptance. His tract on Medical Jurisprudence was reprinted in a compendium published in America by Thomas Cooper, M.D., Professor of Chemistry and Mineralogy in the University of Pennsylvania in 1819, and had a wide circulation. Cooper's Tracts included Haslam's work, Farr's Elements of Medical Jurisprudence, Dease's remarks on Medical Jurisprudence, and Male's Epitome. In spite of this, his work did not reach another edition, but in a rare tract in my possession, published in 1823 when Haslam was 59, entitled 'A letter to the Right Honourable Lord Chancellor on the Nature and Interpretation of Unsoundness of Mind and Imbecility of Intellect,' he reiterates several of the points he made in his original work.

Haslam has been much under-estimated, perhaps owing to his unjust treatment by Tuke in his History of the Insane in the British Isles, published in 1882. From a study of the period, I believe that Haslam was in fact, the most outstanding psychiatrist in England during the period 1790–1827. Many consider him the first to describe general paralysis of the insane, and he is certainly our first forensic psychiatrist of any worth.

DENIS LEIGH, M.D., M.R.C.P.,
Physician, Bethlem Royal and Maudsley Hospitals.

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REVIEWS

MABEL A. ELLIOTT: ' Crime in Modern Society ', *Harper*, 1952, $6.00.

Professor Elliott, already well-known to British sociologists by reason of the collaborative study on Social Disorganization for which she and Dr. Merrill are jointly responsible, has now assembled the results of many years of professional work in a new study of criminology, designed for senior undergraduates, and also for post-graduate students, social work students and administrators generally in the probation, police and other delinquency services. It is based, not only on the usual secondary sources, but also on a number of research studies, some of which were conducted in order to fill in the gaps in knowledge which the writing of the book revealed. The most important of these researches related to ' the cultural roots of lawlessness ', the ' study of criminal women as persons ', and penal practices within prisons.

Professor Elliott holds the Chair of Sociology at Pennsylvania College for Women, and is Chairman of the Department of Sociology ; her academic status is assured. But as she has also served as Research Director of the Kansas Public Welfare Commission, she writes with the intimate knowledge, which so many ' scientific ' researchers lack, of administrative issues, and she has a flair for penetrating beyond the information presented in official reports. Moreover, she has also had direct contact with prisoners as a State Board member in two States, and her writing shows a sensitive appreciation of the more human aspects of the problems with which she deals. Though very properly critical of the more deplorable aspects of the American penal systems, her account of it is objective, practical and constructive.

To the English reader, Professor Elliott's book is more valuable as a description of a society and a system than as a theoretical treatise. So far as theory goes, the book contains brief summaries of the main schools of thought, from Lombroso to von Hentig, and from Freud to the Gluecks. But these summaries are apt to be too compressed ; they are also somewhat scattered, and the student will have to rely for an adequate theoretical treatment of the subject on other works. Occassionally, the theoretical analysis is marred by the obscure use of language, as in the statement ' Personality is overt behaviour and implicit taken as a whole '. The literature of the social sciences contains far too much jargon of this kind ; the expert finds it difficult enough to interpret and the student must often be completely mystified. It is a pity that so wise and well-informed a person as Professor Elliott has not made a stronger stand against it.

The book is most to be recommended for the way in which the facts about the American penal system are presented in the context of social and economic development. The chapters on ' Crime and American Culture ', largely reprinted from Professor Elliott's well-known article in the *American Sociological Review*, provides an excellent illustration of an important theme, to which an inexperienced student can be referred with profit. Futhermore, the very facts themselves, as presented in the book, are such that the subject of criminology takes on a certain dramatic quality and significance which it tends to lack when the rather drab data of the English scene have to be relied upon exclusively for illustrative purposes. As soon as his mind grasps them, the student is compelled to attempt to solve a really exciting problem ; namely, why is it that the American people, with all the humanity which they show in so many ways, with all the energy and intelligence which they display in the world of practical affairs and scientific discovery, are unable to rid themselves of the stupidities and brutalities of an outdated and discredited penal system. Why is it, the student must ask himself, that the American people have to face constant prison mutinies, and that they allow instruments of torture to be used, such as the ' hot box ' (metal cells heated by steam in which refractory prisoners are punished), and the ' cage door ' (appliances for the confinement of prisoners, immobile, in a standing position) ? Why, moreover, has it proved impossible to rid the delinquency services of the spoils system, which makes it impossible, ' save in the small group of prisons where excellent personnel standards prevail ' to recruit and train efficient staffs ?

These questions Professor Elliott faces with courage, and the very fact that she does so provides evidence that the American people are endeavouring to find answers to the problems they have set. We in Great Britain are too apt to be self-satisfied about the way we deal with crime and the criminal, and even somewhat self-righteous about our delinquency services, though every now and then we tend to become panic-stricken about juvenile delinquency, or the treatment of the insane offender. If there are too few books about the British penal system which are as well-informed and as out-spoken as Professor Elliott's, this should not be taken as evidence of the superiority of the British over the American system. It may, on the contrary, be due to an excessive tender-mindedness, or an unwillingness to let the light of day into the darker corners of our public affairs. Professor Elliott is well acquainted with the British penal system, and a book from her on it would be a valuable addition to our resources.

T. S. SIMEY

CRUELTY TO CHILDREN: A Memorandum prepared by the Association of Children's Officers in response to a request from a Joint Committee of the British Medical Association and the Magistrates' Association. 1953. Price 4d.

It will be a grievous pity if the depressing appearance and rather dry style of this little paper leads to its neglect. The Children's Officers of the country are a comparatively new body of people, but most of them have long experience of the needs of childhood, and they are placed in an unrivalled observation post. They have concentrated much wisdom in their report, which shows them to be alive to the subtle dangers which may lurk even in the well-intended measures taken to combat the sufferings to children involved in their complete separation from home. If the authors insist repeatedly on the expense of institution treatment, one suspects that it is less from parsimony than from a harmless guile in recommending to the public those newer types of help rather than punishment to the parent which aim at avoiding a major amputation on the family.

Though the large majority of court cases dealing with cruelty are those arising from neglect, there do, of course, still exist terrible instances of sadistic brutality which from time to time shock the public conscience. Of these the authors say little but that they are 'occasionally associated with psychosis or severe personality defects in the parent.' The question is not discussed whether this type of cruelty should be dealt with as a separate offence, leading to a loss of parental right by the guilty parent. Further discussion on this point would be helpful.

One point stands out clearly from this report, the need for great extension of provision of the type of the family Service Unit for dealing with the needs of the maladjusted family.

MARGERY FRY.

PROBLEM FAMILIES. Five Enquiries, Edited by C. P. Blacker, M.A., M.D., F.R.C.P., Eugenic Society, London. Price 5s.

These enquiries are admittedly in the nature of pilot surveys of five areas carried out by the medical officers of health of the localities. Since Booth's great work on Life and Labour in London, there has been an increasing sense of urgency felt with regard to the so-called problem families. Their social status, their genetics, their habits and their psychology are aspects which can be and have been treated separately according to the particular bent of the investigator. Students of psychiatry in its social and genetic aspects realize that in the family considered psycho-biologically lies the clue to many problems of aberrant behaviour. The negligent mother, the unhappy husband and wife, the limited intelligence and the low moral quality of this primary social unit bring home to us factors which call for careful examination and correlation Moreover, the fact that problem families seem to constitute a recurrent hard core of intractible elements in so many localities shows that the psychiatrist can help the sociologist and the legislator to plan for and deal with this social problem.

Dr. Blacker and his colleagues have analysed the five areas in terms of condition, class, size (spatial and membership), income, coherence, employment, intelligence of male and female heads, marital states, etc.; in all, 28 tables are drawn comparing the five chosen areas. Pilot though the survey is, it gives a great deal of useful information and indeed indication for future research of a more

recondite kind, with finer statistical checks. This is an important preliminary enquiry and students of delinquency in its relation to family structure and function will do well to examine this book with care in order to avoid facile conclusions about so urgent a social and psychiatric an issue.

PSYCHO-ANALYSIS AND CHILD PSYCHIATRY. By Edward Glover, M.D. (London : Imago Publishing Co. Ltd. 1953. Pp. 42. Price 6s.)

Slender though the size of the essay may be, it is an important contribution to the general problem of child development and its disorders. In disclosing the early origin of adult neurosis and character disorder, psycho-analysis established its claim to speak with insight about the emotional development of children. Nevertheless, the problem of normality as against abnormality in child behaviour has its specific difficulties because the plasticity of childhood and the values we attach to behaviour in these years does not permit us to define the functions of the normal.

Dr. Glover can be said to hold to the classical views of mental dynamics as laid down by Freud's writings and those of his immediate followers. He looks with a sceptical eye on those who claim to have defined the psychical struggles and structures of the first two years of life. The only true check on such hypotheses, which fast become new dogmas, is in the development of observational studies of behaviour directed to these early formative years. Such studies directed to feeding habits, walking and talking and playing would disclose the development of ego functions as well as super-ego forces which are perhaps too internalized to admit of observational checks.

Dr. Glover lays down three organizations of early mental life ; instincts, mechanisms, and primitive differentiation of a nuclear form which determine the important ego structure. It is this interplay of these which produces what we call Behaviour. In the early years elasticity is so great that incremental changes occur almost in monthly phases and cry out for disciplined observation. Constitutional endowment is given a special meaning, as sensitiveness to stimuli, anxiety readiness and affective readiness, vested in the specific pain-pleasure threshold.

How we are to arrive at an estimate of such ' endowments ' the author does not venture to say. But such postulates are desirable if we are to draw a comparisons between those who do and those who do not develop disorders as result of environmental stresses of a minimal order.

Dr. Glover has some interesting and indeed provocative remarks to make regarding functional as against psychosomatic formations. We need to trace the lines of discharge of tension; there are wide possibilities, and the negative reactions may prove as significant as the positive ones. Reality proving will always remain the most vital mental capacity, which will determine whether or not a fixation will be established and indeed whether a functional or a somatic disorder will structuralize. The author attempts to deal with the problem of classification and differential diagnosis. These attempts are not wholly satisfying as the problems of mental defect and psychosis still remain enticing problems for future research.

CHILD PSYCHOTHERAPY. By S. R. Slavson. (New York: Columbia University Press. 1952. Price $4.50.)

Dr. Slavson is well known as a pioneer of Group Therapy, and, therefore, what he says in regard to the relationship between an individual and his society carries weight. He recognizes that whatever the inner forces are which prompt to this or that deviation in conduct, the final result is governed in some measure by environmental forces which have a different impact at the various stages of development.

Dealing mainly with children under twelve, the work is frankly psychoanalytic, but the author recognizes that early family influences already incorporate and reflect the physical, economic and cultural forces of the outer world.

In dealing with psychotherapy, Dr. Slavson pays due regard to the dynamics of patient-doctor relationship and gives useful hints on the handling of resistances and defences, each of which mechanism has its own and differing functions. Even in the young, when the dynamics are relative plastic the defences cannot be summarily interpretated without dangers. Here the physician as a bridge between phantasy and reality plays a vital and highly responsible role. A therapy, in Slavson's view, must be planned particularly for the young whose parent relations cannot be lightly ignored as some insulated analysts suppose. This is a useful book and covers many of the problems met with in Delinquency States.

E. M.

SOCIETY AND THE HOMOSEXUAL. By Gordon Westwood, with an introduction by Dr. Edward Glover. (London: Victor Gollancz Ltd. 1952. Pp. 191. Price 9s. 6d.)

Mr. Westwood has written an excellent book on homosexuality. It is interesting, lucid, and well illustrated with actual cases. He has studied a great deal of material from various sources, and made this small work unusually comprehensive. His object is to bring the problem of homosexuality into the open where it can be discussed and reconsidered. He criticizes the present position of the law, and the attitude of society to homosexuals, considering the law ineffective, and society unenlightened. Mr. Westwood points out that throughout history the law in this country has attempted to stamp out homosexuality by vicious persecution, and that all laws dealing with this offence were made over seventy years ago, long before the discovery of modern psychological medicine. He stresses the fact that homosexuality is chiefly a psychological disorder due to maladjustment during early childhood, and that those entrusted with the care of children should be given more information and training. He makes a plea for more research into the problem of homosexuality, and does not believe that we shall start to find a solution until we sweep away the prudish silence and prejudices that surround the subject.

Mr. Westwood writes sincerely and without being sentimental or crusade-ish, and his case is well reasoned.

Dr. Edward Glover in a well-written foreword, states that homosexuality is not to be discussed as the lecherous perversion of self-indulgent degenerates, but that it is one of the manifestations of a powerful unconscious force to which, in other forms, civilization owes much of its strength and some of the greatest of its achievements. He considers that the common prejudice regarding homo-

sexuality can be traced to the tendency of the average man to castigate in others the impulses that lie hidden in his own unconscious mind.

S. H. LUCAS.

PROBATION AND SOCIAL ADJUSTMENT. By J. Rumney and J. P. Murphy. (New Jersey : Rutgers University Press. 1952. Pp. 285. Price $4.50.)

This is a study of the first 1,000 persons, young and old, placed under probationary supervision in Essex County, New Jersey, in 1937. The cases are followed-up after 11 years (67 per cent. interviewed) and the changes in their social adjustment assessed, with the object of determining the value of probation.

One author is a professor of sociology (graduate of L.S.E.) and the other a chief probation officer of long experience ; this promising combination results in a new methodology, including a classification of offenders according to 3 ' categories of personality ' and 3 types of ' offence situation ' ; degrees of adjustment are assesed from four different aspects. Extensive, simple statistical analysis of the material is made. The findings are not linked with any theory and are sometimes naïve, *e.g.*, ' We found that there is a low rate of recovery from such problems as chronic illness and injury ', or ' Most of the people who were arrested for disapproved sex behaviour were motivated by the need for sexual gratification '. The very sensible and earnest recommendations of the final chapter on ' Improving Probation ' seem to bear little relationship to the foregoing statistical data.

The book can be recommended to social workers, and to probation officers of some experience ; it describes in a critical and thoughtful manner the achievements and shortcomings of a probation system with which the latter may compare their own.

P. D. SCOTT.

THE EDUCATION OF EXCEPTIONAL CHILDREN. By A. O. Heck. (New York : McGraw Hill. 1953. 2nd edition. Pp. xiv + 514. 48s.)

During the thirteen years that have elapsed since this book was first published, considerable advances have been made in both the study and the treatment of exceptional children ; and the present edition has been thoroughly revised in order to bring the various chapters up to date.

The book is divided into four main parts, dealing respectively with the socially handicapped, the physically handicapped, with those who are ' mentally exceptional ' (a phrase which includes the mentally gifted as well as the mentally handicapped), and finally with the more practical problems of administration. One rather brief chapter is devoted to the subject of delinquency. But, as Professor Heck points out, delinquent children are to be found in all the categories enumerated ; and often it is more effective to deal with the special circumstances that have made the child exceptional than with the mere fact that he has committed some technical offence.

In his analysis of causes, and still more in his account of administrative arrangements, the author has chiefly in mind the social and educational conditions prevailing in the United States. But the fundamental principles which he lays down apply to almost every civilized country. And both his account of the psychological problems that are raised and his suggestions for practical treatment will

be of interest to British students, particularly those who are proposing to devote themselves to work among delinquents. CYRIL BURT.

CONTEMPORARY CORRECTION. Edited by Paul W. Tappan. (McGraw Hill Book Company, Inc., New York, Toronto, London. 1951. Pp. xvii + 434. 43s. 6d.)

Under Professor Tappan's careful editorship, more than thirty American experts in various fields of Penology have joined forces to produce what is probably the most comprehensive and authoritative picture of correctional institutions, tendencies, and problems in the United States. Eminent penal administrators such as Sanford Bates, James V. Bennett, F. Lowell Bixby, George G. Killinger, Austin H. MacCormick and Richard A. McGee; University teachers such as Walter C. Reckless and Tappan himself; psychiatrists such as Ralph A. Brancale and Justin K. Fuller; a New York magistrate, Morris Ploscowe; and leading Probation experts such as Richard A. Chappell and Will C. Turnbladh—to mention only the most widely known names—are represented. The Editor contributes a thoughtful chapter on 'Objectives and Methods in Correction' which inevitably poses more questions than can be answered within the short space available and ranges from a review of the aims of punishment to some criticism of the present reviewer's 'Criminal Justice' book. Austin MacCormick, one of the veterans of American penal administration, now Professor of Penology in the University of California, in his concluding chapter pleads for more research, more and better probation, parole, and education in prison. There are so many other illuminating contributions on practically every aspect of the subject that it is impossible to do justice to all of them in a brief review. Although, apart from a brief Note on the Borstal system the book is confined to American conditions, it will be of great value to all those who have to teach Penology in British Universities.

KENNY'S OUTLINES OF CRIMINAL LAW. An entirely new Edition by J. W. Cecil Turner. (Cambridge at the University Press. 1952. Pp. liii + 576. 42s. net.)

This is more than merely 'an entirely new edition' it is—as the Publishers rightly claim—a new book, and we might perhaps add the first really adequate modern textbook of English criminal law. It is, as a rule, a good indication that the process of patching up has come to an end and something new has emerged when an editor, as Mr. Turner occasionally does, begins to quote and discuss the views of his author with the same detachment as those of any outsider (see, *e.g.*, paragraphs I and III).

A critical discussion of legal points of detail would be out of place here. Taken as a whole, as those who have to make frequent use of their 'Kenny' will soon discover, the work has immensely profited by Mr. Turner's judicious changes, cuts, and additions. Inevitably, a few differences of opinion will remain. Perhaps the most drastic changes have been made in Book I where Kenny's first chapter on 'The Nature of a Crime' has been relegated to an Appendix, while the second chapter 'The Purpose of Criminal Punishment' has entirely disappeared. The reason given for the former move is that 'where the task of definition is difficult it is advisable that a student should not address himself to it until he has

acquired some considerable knowledge of the subject-matter to be defined '. From a purely logical point of view this is certainly true, but one wonders how many students are likely to read an Appendix. The treatment of sex offences, entirely inadequate in previous editions, has been greatly improved, but it is still somewhat brief. Criminology is defined as consisting of two parts only, criminal biology and criminal sociology, the former including the psychological factors. Would it not be more in keeping with the growing importance of the psychology of crime to give it a separate section ? A more suitable heading than ' Legally abnormal Persons ' might possibly be found to cover infants, insane persons, corporations, and the Sovereign. As the book has already become rather big it is understandable that the sections on Courts and Penalties have had to remain tantalizingly brief —Juvenile Courts are treated on half a page— but as so many law students may never read any more specialized literature on these subjects one might perhaps wish for a few more pages in future editions.

However, where so much has been achieved it would be ungracious to dwell on such details. Our thanks are due to Mr. Turner for his masterly performance.

H. M.

MAXWELL JONES: ' Social Psychiatry: A Study of Therapeutic Communities '. (London: Tavistock Publications. 1952. Pp. 186. Price 18s.)

In this book the author presents an account of the community methods of treatment which he has developed, and which are, at present, being practised in his Industrial Neurosis Unit on a population of unemployed chronic neurotics, comprising ' some of the most anti-social elements in society '.

The Unit was designed to function as a ' therapeutic community ' which could absorb and reclaim patients who were often considered unemployable by the authorities, and who perhaps regarded themselves as useless social outcasts. Such a therapeutic community must, of necessity, differ markedly from the traditional organization of hospitals which vests exclusive authority in the medical staff, and relegates the patient to a role of passive dependence. In contrast, the Neurosis Unit has attempted to distribute authority more equably, to foster a spirit of communal responsibility in the patients, to inspire them to feel at one with the aims of the Unit, and to encourage them to participate in the various remedial, occupational and recreational activities.

The treatment methods rely largely, though not exclusively, on the beneficial influence of a public opinion and a community culture which are thoughtfully nursed and guided by the entire staff, and on the cathartic effect achieved by public performances designed to exhibit and discuss general social problems, or problems based on the very personal history of some of the patients. A variety of media are used for the presentation of such problems, ranging from lecture and educational film to the weekly performance of a psychodrama planned and staged by the patients.

Readers of this Journal may be interested in an Addendum which describes the response of the community to repeated thefts of money. The doctors presented this to the patients as a problem calling for confession, discussion and treatment. The patients, some of whom were cowed by the possibility of reprisals from a suspected gang, called for punitive measures and looked out for scapegoats. A solution was only found after the discharge of the main culprit.

F. K. TAYLOR.

UNDERSTANDING THAT BOY OF YOURS. By Melbourne S. Applegate. (Washington, D.C.: Public Affairs Press. 1953. Price $2.)

This pamphlet bears the rather popular title because it is written primarily for parents with boys who have become involved in difficulties. The author has for years been a 'family counselor' and knows his human material at first hand. It is a guide to enable parents to get close to the young persons' emotional problems, his ambivalencies in affection, his inner feelings and his need for tactful handling in adolescence. The parent who is under an inner compulsion to discipline or to punish is given guidance in the act of self-analysis in order to clarify the inner motives which prompt them sometimes hurriedly and unwisely. There is no deep psychopathology in this very personally expressed discourse but it is sensible and shows insight without scientific jargon. It can be recommended as a pamphlet which probation officers can safely put into the hands of harassed parents.

E. M.

1. DAS ENGLISCHE GESETZ ÜBER KRIMINALRECHTSPFLEGE VON 1948 (Criminal Justice Act, 1948). Deutsche Ubersetzung von Dr. Armin Künemund. Mit einer Einleitung von Prof. Dr. Rudolf Sieverts. (Berlin. 1952. Pp. xx + 94. DM 12.)
2. DAS JUGOSLAWISCHE STRAFGESETZBUCH VOM 2. MÄRZ 1951. In deutscher Ubertragung mit einer Einführung von Dr. August Munda. (Berlin. 1952. Pp. xii + 110. DM 10.)
3. DAS TSCHECHOSLOWAKISCHE STRAFGESETZBUCH. In deutscher Ubertragung mit einer Einleitung von Dr. Erich Schmied. (Berlin. 1952. Pp. 137. DM 12.)
4. DAS ZIVIL-UND STRAFPROZESSGESETZ SCHWEDENS. Ubersetzt und eingeleitet von Dr. Gerhard Simson. (Berlin. 1953. Pp. xii + 212. DM 24.)
5. DAS DÄNISCHE STRAFGESETZBUCH. Ubersetzt von Dr. Franz Marcus. (Berlin. 1953. Pp. 75. DM 8.90.)

Sammlung Ausserdeutscher Strafgesetzbücher in deutscher Ubersetzung Nos. 55, 56, 57, 58, and 62. (Berlin : Walter de Gruyter & Co.)

The continuation, after a break of ten years, of this important series is to be welcomed. Its practical value extends beyond the frontiers of the German language as it helps to make accessible to wider circles penal legislation not written in one of the main languages. In addition, it has been an old-established tradition of the series to include important English Statutes.

The translation of the Criminal Justice Act, the only one which the present reviewer is able to check, is clear and accurate. The Introduction gives a brief but adequate historical survey of the principal developments in the field of penal reform in England since the time of John Howard and a summary of the contents and the motives behind the Act of 1948. The Prison Acts of 1839 and 1865 are, however, mistakenly ascribed to the initiative of Sir Edmund Du Cane, and the crucial act of 1877 is not mentioned.

As there is an English translation of the new Jugoslav Penal Code (see this Journal Vol. III, p. 128) this German edition is of less interest to Anglo-American readers. In his Introduction Professor Munda stresses the class character of the Code which, according to Art. 1, has the explicit object of protecting the socialist order of Government. This object is also clearly expressed in Art. 1 of the

Czechoslovak Penal Code of 1950 which, however, has to our knowledge not yet been translated into English. A useful feature of this edition which might well be copied in subsequent volumes is the Index. Without going into details it is interesting to note that in Czechoslovakia, as in Denmark, lesbianism is an offence and that, as in Jugoslavia, the death penalty has been retained as an alternative penalty with degrees of murder defined in slightly different ways.

Sweden differs from other Continental countries in that the rules of civil and criminal procedure are contained in one Statute. The Introduction to this volume is particularly valuable in drawing attention to many unusual features of this complicated piece of legislation. The Swedish Public Prosecutor, for example, is at the same time Police Chief. The Swedish lay magistrate seems to occupy a place somewhere between the German *Schöffen* and the English Justice of the Peace. It is surprising to learn that before the present Act came into force in 1948 Sweden had an entirely formalistic law of evidence which provided, for example, that the Courts had to accept as full proof the evidence of two witnesses if they both said the same thing.

The Danish Penal Code of 1930 has already undergone several amendments to which attention is drawn in footnotes in the present edition. It would have been helpful if new Statutes replacing provisions of the Code, such as the Act concerning Pregnancies of 1937, had been included in this edition. This has in fact been done in the case of the Act of 1952 providing the death penalty for certain crimes committed in wartime or during enemy occupation.

DER JUGENDLICHE IM LICHTE DER KRIMINALBIOLOGIE. Mitteilungen der Kriminalbiologischen Gesellschaft Band 6. (München-Düsseldorf : Verlag Wilhelm Steinebach. Pp. 88. DM 8.50. No year.)

This is a collection of papers read at the Sixth Conference of the Criminobiological Society, held in Munich in October, 1951. The emphasis is mainly on the biological approach to juvenile delinquency ; problems of adult crime are, however, not entirely excluded. The most substantial contributions come from E. Seelig (Graz) who gives an interesting survey of the typological method in criminology, with a full reproduction of the form used at the juvenile wing of the Graz Penitentiary ; from E. Frey (Basle) who summarizes the main contents of his recent book on the early prognosis of persistent criminality (see this Journal Vol. III, p. 132) ; from E. Mezger (Munich) who sketches the history of criminology ; and from Hoff and Spiel (Vienna) who discuss a few cases of juvenile psychopaths.

H. M.

ARCHIVES DEL LABORATORIO DE PSICOPEDAGOGIA. By Sebastian M. Otero. (Montevideo : Imprenta Nacional. 1949. Pp. xii + 346.)

This number of the ' Archivos ' of the Laboratory of Educational Psychology of Montevideo, Uruguay, is devoted to the memory of the late Professor Sebastian Morey Otero, founder of the centre. The journal is mainly concerned with the adaptation in Uruguay of several cognitive and attainment tests as well as personality tests and questionnaires originally designed in other countries. There are also some original studies of varying importance. By and large, one can say that the methodology is lacking in statistical sophistication. For instance, almost

no proper tests of significance are given in the articles. The scientific evidence produced in the Nature-Nurture problem attacked by Carbonell is, I would say, far too simple to have any real bearing on the topic. However, and in spite of these minor criticisms, it is gratifying that Uruguay has so advanced and progressive a centre of research in the field of educational Psychology.

J. L. PINILLOS.

1. KRIMINOLOGIE. By Dr. Franz Exner. Dritte und verbesserte Auflage der 'Kriminalbiologie'. (Berlin-Göttingen-Heidelberg: Springer-Verlag. 1949. Pp. x + 330. DM 16.80.)

2. LEHRBUCH DER KRIMINOLOGIE. By Ernst Seelig. (Graz: Verlag Jos. A. Kienreich. 1951. Pp. xv + 334.)

It would be an interesting task to make a detailed comparison between these two leading continental textbooks of criminology, one of them German, the other Austrian, and also to examine more closely how far they differ from their American counterparts. Space permits no full analysis of this kind.

Franz Exner's book was first published in 1939 under the title 'Kriminalbiologie'. In the present third edition, which appeared after the author's death, the title has been changed, but as Exner states in his Preface this was not intended to mark any change in his fundamental approach, and closer study shows his claim to be justified. The emphasis of the book, like that of other works of Exner, has in fact always been at least as much sociological as biological. If there is any aspect that has perhaps not fully received its due share of attention in this book it is the psychology of crime. The present edition has several new chapters, mainly on methods of criminological study and on recidivism, and there is also a full bibliography of 348 items. In spite of this, by the use of smaller type and other devices, the book has been shortened by nearly 40 pages. There is little doubt that it will maintain its very high place in continental criminological literature.

The scope of Professor Ernst Seelig's new book which reached its second edition soon after publication is considerably wider than that of Exner's. Faithful to the well-known Austrian tradition established by Hans Gross, to whose memory the book is dedicated, the author has included several brief chapters on Police techniques and other technical matters such as dactyloscopy, on certain aspects of criminal procedure and evidence, on the sentencing policy of the Courts, and on the various penalties. Nevertheless, the main body of the book is devoted to criminology as it is commonly understood outside Austria. There is a useful introductory chapter on the history and methods of criminology and its literature. Of particular value are those parts dealing with typological problems to which the author has also given special attention in some of his other publications, and it is here that he has probably done his most original work. The book is throughout full of interesting detail and case material, in part taken from the files of the Criminological Institute at Graz. Being nearer to life and less theoretical than Exner's, it is likely to appeal not only to students but also to many practitioners.

PROBATION. Aufbau und Praxis des englischen Sytems der Bewährungshilfe. By Dora von Caemmerer. (München-Düsseldorf: Verlag Wilhelm Steinebach. 1953. Pp. 163.)

This is a clear and accurate description of the English Probation system which

will be of great value to judges and social workers in German speaking countries who are at present trying to build up and to operate similar systems. The author has been highly successful in her efforts to present an up-to-date and sympathetic picture based upon full knowledge of the legislation, literature, and actual practice. Even local characteristics are discussed to illustrate the different structure of probation in London and various provincial areas.

GESCHICHTE DES VERBRECHENS. VERSUCH EINER HISTORISCHEN KRIMINOLOGIE. By Gustav Radbruch and Heinrich Gwinner. (Stuttgart: K. F. Koehler Verlag. 1951. Pp. 305. DM 13.50.)

Gustav Radbruch died, as his co-author tells us, a few weeks after putting his signature to the Preface of this, his last, book. The work itself was not yet completed, and Radbruch's pupil and friend Gwinner, who had shared the writing with him, had to prepare it for publication. It bears witness to those great gifts of mind and character which made Gustav Radbruch one of the most widely respected and beloved figures among twentieth century European teachers of law and legal philosophy.

This is a first attempt to deal with an immensely complex subject which had never before been treated in its entirety: the history of crime in Germany (not, as the title seems to convey, everywhere). Regarded as a pioneering venture it is admirable. As the authors readily admit, they have not been able to make exhaustive use of all the sources, but they have blazed a trail.. Even more remarkable perhaps than the mastery of facts and the brilliance of style — the latter to be taken for granted in a book by Radbruch — is the way in which both authors have succeeded in relating their narrative to contemporary developments in the wider fields of political, religious, social and economic history and to their psychological effects. Surely, this is the only way in which the history of crime, and even more so of punishment, can profitably be written. The authors refer to Jacob Burckhardt's comparison of medieval crime in Italy and Germany, but in a more general sense, too, this book reminds us of the historian of the Italian Renaissance. The strong political flavour and the mass hysteria of the crime wave brought about by the Crusades; the criminogenic effect of warfare and revolutions such as the Peasants' War; superstition favouring alchemy and religious persecution which latter in its turn produced the rare phenomenon of gangs of Jewish robbers; the economic background of such historically significant crimes as poaching and coining; the lamentable condition of German roads which the authors are inclined to regard as one of the principle causes of medieval criminality —all this is brilliantly described with a wealth of detail. While the emphasis is on general developments and large-scale cultural changes, individual cases, as for example the murder of Hans von Hutten by the Duke of Württemberg, are included when symptomatic of the general atmosphere of the period.

In a history of crime references to the state of criminal law and the penal system—though outside the scope of the book—could not be entirely omitted, and the point is repeatedly made with great emphasis that the excessive cruelty of ancient and medieval penalties, valueless as a deterrent, was actually responsible for the growth of professional crime: 'the outlaw, the ancestor of all professional criminals, was the victim of the mistaken policy of the criminal law'. Once professional criminality came into existence its further growth was the price mankind had to pay for every progressive step it made. H. M.

ABSTRACTS AND REFERENCES

(Under the direction of W. R. Bett, with the co-operation of John C. Spencer, E. Hall Williams and Augusta Bonnard.)

CRIMINOLOGY

' Recidivism and Juvenile Delinquency ', *International Criminal Police Review.* (August-September) 1953, **70,** 223–5.

A report presented by Senor Echalecu y Canino (Spain) to the XXII General Assembly of the International Criminal Police Commission, Oslo, June 1953, on the problem of social and criminal prognosis in connexion with delinquents. Juvenile delinquency is increasing in all countries in direct proportion to social disorganization, alcoholism, etc. American workers have been trying to discover characteristics distinguishing the ' one-time ' offender from the future recidivist. Infraction is an individual act or series of acts resulting from a concrete situation, which stimulates different courses of action in different people according to their natures. These individual factors are summarized: constitutional and somatic ; mental disorders ; oligophrenia ; organic weaknesses ; disturbances in personality development ; endogenous psychoses ; epilepsy ; heredity ; sociological factors. For a prognosis concerning the future of the juvenile delinquent an analytic study of the whole life of the subject and of the factors which brought about his first offence is needed.

W. R. B.

Maria-Luisa Ressano Garcia: ' Education of Young Newsvendors' Society in Portugal ', *International Child Welfare Review,* 1953, **7**, 67–78.

This is a group from which many juvenile delinquents are recruited. In 1942, when the problem was first considered, there were no less than 600 boys under 16 engaged in selling newspapers in Lisbon streets. Many of these children lack even elementary schooling. The Society has set up rehabilitation or educational centres, which are ' homes ' to the boys. Soon it is hoped that these young newsvendors will have disappeared from the streets.

Luise Frankenstein: ' The Illegitimate Children of Foreign Servicemen ', *International Child Welfare Review,* 1953, **7,** 79–93.

The Assistant Head of the Research Department of the I.U.C.W. describes a survey made of two groups of children, the first covering all the children born of foreign servicemen, and the other the Coloured children only. This article is a digest of the full study written in German and obtainable from the Secretariat of the I.U.C.W. The subject is discussed under the following heads: statistics, legal position, residence. Case-histories of several hundred of the Coloured children from social workers were obtained and analysed.

Giorgio Florita: ' The Causes of Crime ', *The Journal of Criminal Law, Criminology and Police Science,* 1953, **44,** 1–16.

The Chief of Police in Mantua, Italy, describes his theory of criminal action

in which he rejects the Lombrosian theory and emphasizes that the real causes of crime are of social origin. The causality of the neurological state in relation to crime is merely secondary. The therapy of delinquency belongs to educators, sociologists, moralists and legislators, not to medical men. For a complete understanding of crime it is necessary to study society from all points of view.

PAUL W. TAPPAN: 'Florita's Enquiry into the Causes of Crime', *The Journal of Criminal Law, Criminology and Police Science*, 1953, **44**, 17–21.

In a short commentary on Dr. Florita's article, Professor Tappan says that his argument will meet little opposition among American readers, though it may stir some opposition among numerous European criminal biologists. He suggests that Dr. Florita's paper should provoke further thought about the whole problem of normation, though his treatment merely introduces the problem. Legal norms are socially determined standards of required behaviour. In marked contrast to such legal norms is the clinical standard of normality that is based generally on an ideal. Criminal behaviour may represent actiologically a quite natural expression of normal impulses, which are insufficiently educated and controlled.

He disagrees, however, with Florita's proposition that biological and psychological factors are not causal.

J. C. S.

PENOLOGY

HENRI BENET: 'The Problem of Mercy Killing', *Revue de Droit Penal et de Criminologie*, (July) 1953, **10**, 928–954.

This Address to the Algerian Court affords an erudite presentation of attitudes towards death, literary, historical and cultural. The general aspect that concerns the speaker is that of deliberate killing without malice. He cites practice and precept of primitive and mediaeval peoples, and of the Greek philosophers, as well as others. He instances that among some primitive peoples, it is the custom to kill those who suffer incurable agonies of pain, as well as the aged, and therefore economically useless. In certain such civilizations, the aged are forced to kill themselves. Plato had suggested that not only the incurable in great pain, and deformed or idiotic infants should be killed, as an act of mercy, but also those whose behaviour causes irremediable pain to the community. It is clearly shown that euthanasia is not a new idea, but was propounded many centuries ago and has been argued periodically ever since. The subject matter concerning deliberate killing, without malice, then gradually narrows down to modern times and to that of the title, namely killing or allowing suicide in order mercifully to relieve hopeless pain or anguish. Various British and American movements and unsuccessful legal Bills advocating voluntary and involuntary euthanasia are discussed. Actual cases of mercy killing, chiefly from France, America and Britain, are cited and attention drawn to the variability of punishment of the accused, even in the same country. It may range from free pardon to sentence of death. Euthanasia is then re-discussed in terms of the humane practice of Medicine. An official French pronouncement is quoted to the effect that every effort should be made, even at risk of death, to relieve suffering, but without the deliberate aim of shortening life. This is the view that Monsieur Benet upholds, coupling it with his and others' faith in 'Divine Hope'.

AUGUSTA BONNARD.

HOWARD, H. S.: 'Prison—a Valuable Adjunct in the Psychotherapy of Character Disorders', *Delaware State Medical Journal*, (August) 1953, **25**, 203–5. (Two case-reports; summary.)

WILLIAM A. WESTLEY: 'Violence and the Police', *American Journal of Sociology*, 1953, **59**, 34–41.

This paper is part of a larger study carried out by the author on the police. It is concerned with the genesis and function of the illegal use of violence by the police. The material is drawn from a case study of a municipal police department in an industrial city of approximately one hundred and fifty thousand inhabitants in the United States. It contains a description and analysis of interpretations made by the police of their own experiences. Since the ends for which violence is illegally used are conceived to be both just and important, they serve to justify, to the policeman, the illegal use of violence as a general means. The analysis of the use of brutality by the police in dealing with sexual offenders shows that it is a result of the desire to defend and improve their social status in the absence of effective legal means.

J. C. S.

PSYCHOLOGY

'Can Sex Crimes be Prevented?', *British Journal of Medical Hypnotism*, (Autumn) 1953, **5**, 1–2. (Editorial; 2 case-reports.)

TARUMIANZ, M. A.: 'Recognition of Psychiatric Approach to Criminals by the Delaware Courts', *Delaware State Medical Journal*, (August) 1953, **25**, 173–93. (Eleven case-reports.)

MARIE LANGER: 'Le "Mythe de l'enfant Roti"'. HENRI FLOURNOY: 'Une Seance d'Analyse dans un cas d'Homosexualite Masculine', *Revue Francaise de Psychanalyse*, (October-December) 1952, **XVI**, 509–17 and 495–508.

"The Myth of Roasted Child" by Marie Langer, deals with the gruesome case of a sitter-in who roasted the baby of her employers, garnishing it with baked-potatoes!

The girl was a psychotic escaped from an asylum. The author uses this case as a peg to hang on the classical myths of Tantalus and Pelops. This myth is related to the story of Hansel and Gretel and that of Snow White. The folk lore of child eating is found in the Marquessas people. The bad mother symbol runs through these stories.

An account of a case of 'Male Homosexuality' by Henri Flournoy is given in detail but displays little that is new. Here again the author goes back to antiquity to show how such types are frequently associated with intellectual gifts and cites the Platonic ideas on this type of love as exemplified in the sublimated form of friendship displayed by Socrates in his relation to his pupils. The articles have a useful bibliography.

E. M.

BEN KARPMAN: 'Psychosis as defence against yielding to perversive (paraphiliac) sexual crimes', *Journal of Criminal Law, Criminology and Police Science*, 1953, **44**, 22–29.

The Chief Psychotherapist in St. Elizabeth's Hospital observes that it appears

that mental disease acts as a check on indulgence in criminal behaviour, and conversely that criminality acts as an escape from the development of mental disease. On occasions the defences break down, and we find that the repressed criminality breaks through the bars of mental disease, or conversely that we have criminals with mental disorder. With the aid of case material presented in summary form Dr. Karpman examines this thesis as applicable to three cases of Hebephrenic psychosis.

MELITTA SCHMIDEBERG: 'Pathological Firesetters', *Journal of Criminal Law, Criminology and Police Science*, 1953, **44**, 30–39.

Dr. Schmideberg, formerly psychiatrist at the I.S.T.D. and now Chairman and Founder of the Association for Psychiatric Treatment of Offenders in New York, discusses a number of problems connected with the treatment of incendiarists. She comments on the strong similarity between these and sex offenders, both aetiologically and symptomatically, and in the reactions they elicit from the community, justice and law-enforcement agencies. Making use of case-histories where she has used psycho-analytic treatment, she comments on some of the characteristic features of the firesetter, on the violent thread of sadism throughout the three histories, and the absence of any real emotion or feeling of guilt. Superficial elements of incendiarism are usually more misleading than helpful, and it is unwise to take the offender's explanation at its face value. A thorough psychiatric examination is required.

A. A. BAKER, MAXWELL JONES, JULIUS MERRY, and B. A. POMRYN: 'A Community Method of Psychotherapy', *British Journal of Medical Psychology*, 1953, **26**, 222–244.

This paper on the methods employed by the Social Rehabilitation Unit at Belmont Hospital is complementary to the work of Maxwell Jones (1952) called 'Social Psychiatry'. The authors describe the staffing and organization of the Unit and develop in particular their concept of a therapeutic culture, which they consider to be the most satisfactory approach to a population containing a high proportion of persons with character disorder. For the purpose of this article they give preference to those who give a history of a bad early environment, the early appearance of delinquency and various manifestations of anti-social behaviour in later life. The social structure of the unit community and the use of community discussion is described. An example of a technique known as the 'misfit family' is given verbatim and its use in conjunction with other community methods is assessed.

ROBERT S. REDMOUNT: 'A case of female Transvestite with marital and criminal complications', *Journal of Clinical and Experimental Psychopathology*, 1953, **14**, 95–111.

A study of a patient committed to hospital for observation by a court order in Arkansas after indictment on a charge of false pretences.

The patient was a 33-year-old woman who has assumed a male social role all her life and went through a form of marriage to a 27-year-old woman. She contracted one previous marriage to another woman. Physical and gynaecological examinations show the patient is female, and there is no evidence of any gynaecological surgery. Some account is given of test results on the Rorschach, T.A.T., and Blacky Pictures tests, in addition to material obtained from a clinical interview.

J. C. S.

LAW

SOL RUBIN: 'Protecting the Child in the Juvenile Court', *Journal of Criminal Law, Criminology and Police Science*, 1952, **43**, 425–440.

In this article the legal consultant to the National Probation and Parole Association asks the question: What should be the direction of further legal development in the Juvenile Court? Is the power of the court in fact the best protection to the child, or are limitations to be sought which would provide a better protection? He then proceeds to examine the jurisdiction of the court, the procedure, and finally the treatment process. It is particularly neglect and dependency jurisdiction that increasingly in recent years brings criticism on the role of the juvenile court. A distinction between judicial functions and those of an administrative nature must be made.

J. C. S.

REVUE INTERNATIONALE DE DEFENSE SOCIALE, GENEVA. 7th Year. January, 1953.

This number deals with the concept of Social Security against criminal activities.

Marc Ancel gives an interesting survey of the evolution of criminal law from the days of the Christian Fathers to the present time, including the special approach in Soviet Russia.

The transition divides itself historically into three phases, religious, political, juridical. Progress has been from a priorism to the view that the offender needs consideration over and above the administering of abstract justice. Both this article and the essay by F. Grammatrico are rather abstract in treatment.

The paper by A. Menger deals with the examination of the offender in the light of biological concepts.

E. M.

CONTRIBUTORS TO THIS NUMBER

GERALD GARDINER, M.A.(Oxon.), Q.C., is a member of the executive Committee of the Howard League for penal reform and gave evidence before the Royal Commission on Capital Punishment for the Society of Labour Lawyers of which he was formerly Chairman: he is an ex-Chairman of the Statutory Committee of the Royal Pharmaceutical Society and is a member of the Lord Chancellor's Law Reform Committee.

SIDNEY HOWARD TAYLOR. Headmaster of the Desford Junior Approved School since 1937. Prior to transferring from the normal education services he was deputy headmaster of a selective secondary modern school and Head of a large evening institute. Since leaving college in 1923 he has been associated with many branches of youth work. For the past five years he has been engaged in research work relating to the affairs of one thousand boys who have passed through approved schools. The present article is a section of the report prepared.